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This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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emergency exists and direct that the attached regulation, pursuant to Chapter 13 of the Kentucky Revised Statutes, become effective upon being filed with the Legislative Research Commission.

JOHN Y. BROWN, JR., Governor  
FRANCES JONES MILLS, Secretary of State

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Labor**  
**Kentucky Occupational Safety and Health**

**803 KAR 2:020E. Adoption of 29 CFR Part 1910.**

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

EFFECTIVE: November 29, 1983

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1981, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative

occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.20 "Access to employee exposure and medical records" is amended as follows:

(a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but not later than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."

(b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"

(c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee and/or designated representative for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."

[(d) 29 CFR 1910.20(e)(3)(ii) shall read "Whenever OSHA seeks access to personally identifiable employee medical information by presenting to the employer a written access order pursuant to 29 CFR 1913.10(d), the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days. OSHA will have access to employee medical records maintained by an employee's personal physician fifteen (15) days after written consent is given to OSHA by the affected employee. The consent must contain a general description of the medical information that is authorized to be released."]

(d) [(e)] 29 CFR 1910.20(g)(1) is amended to read "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"

(e) [(f)] 29 CFR 1910.20(g)(2) is amended to read "Each employer shall make readily available to employees a copy of this standard and its appendices, and shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."

(4) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(5) 29 CFR 1910.95 "Hearing Conservation Program" paragraphs (c) through (p) and appendices A, B, C, D, E, F, G, H, and I as published in the Federal Register, Volume 48, Number 46, March 8, 1983 and Volume 48, Number 125, June 28, 1983 are adopted by reference and amended as follows:

(a) 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for

employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice of the availability of this standard in the workplace.

(f) 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well-drilling and servicing operations, agriculture, or construction.

(g) 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This appendix is mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

#### 1. Sound Pressure Output Check.

a. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

c. Measure the sound pressure level of the tones at each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.

d. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

#### 2. Linearity check.

a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.

b. Measure the sound levels in the coupler at each coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.

c. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.

d. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

#### 3. Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 by  $\pm$  three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

Table E-1—Reference Threshold Levels for Telephonics—TDH-39 Earphones

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1,000	7	77
2,000	9	79
3,000	10	80
4,000	9.5	79.5
6,000	15.5	85.5
8,000	13.0	83.0

Table E-2—Reference Threshold Levels for Telephonics—TDH-49 Earphones

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1,000	7.5	77.5
2,000	11	81.0
3,000	9.5	79.5
4,000	10.5	80.5
6,000	13.5	83.5
8,000	13.0	83.0

#### 803 KAR 2:020E-4

(6) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(7) 29 CFR 1910.106 "Flammable and combustible liquids" is amended as follows:

(a) 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service station, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include

private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(b) Revisions to 29 CFR 1910.106(g)(2) and 1910.106(g)(3)(vi)(a) and (b) as published in the Federal Register, Volume 47, Number 173, Tuesday, September 7, 1982 are adopted by reference.

(8) 29 CFR 1910.134 is amended as follows:

(a) 29 CFR 1910.134(c) shall read: "Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2—1980."

(b) 29 CFR 1910.134(d) the third sentence shall read: "Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1—1973."

(c) 29 CFR 1910.134(g) shall read: Identification of Air-Purifying Respirator Canisters and Cartridges.

1. The primary means of identifying an air-purifying respirator canister or cartridge shall be by means of properly worded labels. The secondary means of identifying an air-purifying respirator canister or cartridge shall be by an identifying color or colors.

2. All who issue or use air-purifying respirators falling within the scope of this standard shall ensure that all canisters and cartridges purchased or used by them are properly labeled and colored in accordance with this standard before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters and cartridges have completely served their purpose. The user shall refer to the label wording to determine the type and degree of protection the canister or cartridge will afford.

3. On each air-purifying respirator canister and cartridge, the following shall appear in bold letters:

CANISTER FOR

(Name of atmospheric contaminant)

OR

CARTRIDGE FOR

(Name of atmospheric contaminant)

In addition, either or both of subparagraphs a and b of this paragraph, and subparagraph c of this paragraph, shall appear beneath the appropriate phrase on the canister or cartridge label.

a.

For respiratory protection in atmospheres containing not more than \_\_\_\_\_ by volume of  
(Concentration)

(Name of atmospheric contaminant)

b.

For respiratory protection in atmospheres containing \_\_\_\_\_  
(Type of particulate contaminant)

c.

Do not use in atmospheres containing less than 19.5% oxygen by volume at sea level.

4. Each respirator canister or cartridge, or canister or cartridge label, shall be a distinctive color as indicated in Table I-1. The color coating used shall offer a high degree of resistance to changes such as chipping, scaling, peeling, blistering, and fading, and to the effects of ordinary at-

mospheres to which they may be exposed under normal conditions of storage and use.

(d) 29 CFR 1910.134 Table I-1 shall read:

TABLE I-1  
Color Assigned to Canister or Cartridge

Atmospheric Contaminant(s) to be Protected Against	Color Assigned	ISCC-NBS Centroid Color Number	ISCC-NBS Centroid Color Name
Acid gases	White	263	White
Organic vapors	Black	267	Black
Ammonia gas	Green	139	Vivid green
Carbon monoxide gas	Blue	178	Strong blue
Acid gases and organic vapors	Yellow	82	Vivid yellow
Acid gases, ammonia, and organic vapors	Brown	75	Deep yellow brown
Acid gases, ammonia, carbon monoxide, and organic vapors	Red	11	Vivid red
Other vapors and gases not listed above	Olive	106	Light olive
Radioactive materials (except tritium and noble gases)	Purple	218	Strong purple
Dusts, fumes, and mists (other than radioactive materials)	Orange	48	Vivid orange

NOTES:

(1) A purple (ISCC-NBS Centroid Number 218) stripe shall be used to identify radioactive materials in combination with any vapor or gas.

(2) An orange (ISCC-NBS Centroid Number 48) stripe shall be used to identify dusts, fumes, and mists in combination with any vapor or gas.

(3) Where labels only are colored to conform with this table, the canister or cartridge body shall be gray (ISCC-NBS Centroid Number 265), or a metal canister or cartridge body may be left in its natural metallic color.

(4) The user shall refer to the wording of the label to determine the type and degree of protection the canister or cartridge will afford.

(9) 29 CFR 1910.141(c)(2)(i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(10) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health."

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees."

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available."

"(d) Where the eyes or body of any person may be ex-

posed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(11) 1910.156(a)(2) "Application" is amended to read "The requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts. Personal protective equipment requirements apply only to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters."

(12) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(13) Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

"Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations."

(14) Corrections to 29 CFR 1910 Subpart S "Electrical" as published in the Federal Register, Volume 46, Number 152, August 7, 1981 are adopted by reference.

(15) Amendments to 29 CFR 1910.401(a)(2)(iv) and 29 CFR 1910.402 "Commercial Diving Operations" as published in the Federal Register, Volume 47, Number 228, November 26, 1982 are adopted by reference.

(16) 29 CFR 1910.1001 "Asbestos" is amended as follows:

(a) 29 CFR 1910.1001(d)(2)(iv)(a) is amended to read:

"The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2—1980, which is incorporated by reference herein."

(b) 29 CFR 1910.1001(k) as published in the Federal Register, Volume 48, Number 215, November 4, 1983 is adopted by reference.

(17) Amendments to 29 CFR 1910.1002 "Coal Tar Pitch Volatiles" as published in the Federal Register Volume 48, Number 15, January 21, 1983 are adopted by reference.

(18) 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(19) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(20) 29 CFR 1910.1025 "Occupational Exposure to Lead" shall be amended as follows:

(a) Revisions as published in the Federal Register, Volume 46, Number 238, Friday, December 11, 1981, are adopted by reference.

(b) Revisions published in the Federal Register, Volume 47, Number 219, November 12, 1982, and Volume 48, Number 46, March 8, 1983 are adopted by reference.

(c) "Table 1—Implementation Schedule" is amended to read:

TABLE 1—Implementation Schedule

INDUSTRY <sup>1</sup>	COMPLIANCE DATES		
	200 μg/m <sup>3</sup>	100 μg/m <sup>3</sup>	50 μg/m <sup>3</sup>
Primary lead production	(2)	6-29-84	6-29-91
Secondary lead production	(2)	6-29-84	6-29-86
Lead acid battery manufacture	(2)	6-29-83	6-29-86
Automobile manufacture/ solder grinding	(2)	N/A	6-29-88
Electronics, gray iron foundries, ink manufacture, paints and coatings manufacture, wallpaper manufacture, can manufacture, and printing	(2)	N/A	6-29-82
Lead pigment manufacture, non-ferrous foundries, leaded steel manufacture, lead chemical manufacture, ship building and ship repair, battery breaking in the collection and processing of scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), secondary smelting of copper, and lead casting	(2)	N/A	N/A
All other industries	(2)	N/A	6-11-84

<sup>1</sup>Includes ancillary activities located on the same worksite.

<sup>(2)</sup>On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

THELMA L. STOVALL, Commissioner

ADOPTED: November 22, 1983

APPROVED: LEONARD MARSHALL, Secretary

RECEIVED BY LRC: November 29, 1983 at 2 p.m.

JOHN Y. BROWN, JR., GOVERNOR

Executive Order 83-1042

November 18, 1983

EMERGENCY REGULATION

Cabinet for Human Resources

Department for Social Insurance

Home Energy Assistance Program

WHEREAS, the Secretary of the Cabinet for Human Resources is responsible for setting forth, by regulation, the policies of the Cabinet under the provisions of KRS 194.050(1) with respect to the provisions of the Home Energy Assistance Program; and

WHEREAS, the Secretary has promulgated a regulation for the Home Energy Assistance Program which provides

for assistance to low income households to help meet the costs of home energy; and

WHEREAS, the time delays inherent in complying with procedural requirements of KRS Chapter 13 would preclude the effectiveness of the regulation during the winter months; and

WHEREAS, the Secretary has found that an emergency exists with respect to said regulation, and that, therefore, said regulation should, immediately upon filing with the Legislative Research Commission:

NOW, THEREFORE, I, John Y. Brown, Jr., Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.088(1), do hereby acknowledge the finding of an emergency by the Secretary of the Cabinet for Human Resources with respect to the filing of said regulation of the Cabinet for Human Resources providing for the Home Energy Assistance Program, and direct that said regulation shall become effective upon being filed with the Legislative Research Commission as provided in Chapter 13 of the Kentucky Revised Statutes.

JOHN Y. BROWN, JR., Governor

FRANCES JONES MILLS, Secretary of State

### CABINET FOR HUMAN RESOURCES Department for Social Insurance

904 KAR 2:115E. Eligibility, criteria for home energy assistance program.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: November 21, 1983

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility as prescribed by P.L. 97-35 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981) to administer a program to provide assistance for eligible low income households within the Commonwealth of Kentucky to help meet the costs of home energy. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility and benefits criteria for each of two (2) [five (5)] components of energy assistance, regular and crisis [, Project Warmup, emergency reconnection and emergency summer aid] under the Home Energy Assistance Program (HEAP).

Section 1. Application. Each household requesting assistance shall be required to complete an application and provide such information as may be deemed necessary to determine eligibility and benefit amount in accordance with the procedural requirements prescribed by the cabinet.

Section 2. Definitions. Terms used in HEAP are defined as follows:

(1) "Principal residence" is that place where a person is living voluntarily and not on a temporary basis; the place he/she considers home; the place to which, when absent, he/she intends to return; and such place is identifiable from other residences, commercial establishments, or institutions.

(2) "Energy" is defined to include electricity, gas, and

any other fuel such as coal, wood, oil, bottled gas, that is used to sustain reasonable living conditions.

(3) "Household" means any individual or group of individuals who are living together as one (1) economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

(4) "Economic unit" is one (1) or more persons sharing common living arrangements.

(5) A "fully vulnerable household" is any household living in non-subsidized housing which pays all energy costs directly to the energy provider or any household which rents non-subsidized housing whose energy costs are included in the rent payment.

(6) "Regular component" is that portion of benefits reserved as energy assistance for heating for households containing at least one (1) member who is elderly (age sixty (60) or older) or receiving benefits on the basis of 100 percent disability.

(7) "Crisis component" is that portion of benefits reserved for use as emergency energy assistance after the regular component is terminated for eligible households in emergency or crisis situations.

[(8) "Project Warmup" is that component of HEAP administered by local governments and other local organizations under contract with the cabinet to provide benefits to eligible households who are without adequate heat.]

[(9) "Emergency reconnection component" is that portion of benefits reserved as energy assistance for eligible households who use a utility service with a continuous billing cycle and whose service has been disconnected.]

[(10) "Emergency summer aid component" is that component administered by local organizations under contract with the cabinet to provide fans to eligible households in need due to extreme heat.]

Section 3. Eligibility Criteria. (1) A household must meet the following conditions of eligibility for receipt of a HEAP payment under the regular and crisis [, and emergency reconnection] components:

(a) The household must be fully vulnerable for energy cost.

(b) For purposes of determining eligibility, the amount of continuing and non-continuing earned and unearned gross income including lump sum payments received by the household during the calendar month preceding the month of application will be considered. Income received on an irregular basis will be prorated.

(c) Gross income for the calendar month preceding the month of application must be at or below the applicable amount shown on the income scale for the appropriate size household. Excluded from consideration as income are payments received by a household from a federal, state, or local agency designated for a special purpose and which the applicant must spend for that purpose, payments made to others on the household's behalf, loans, reimbursements for expenses, incentive payments (WIN and JTPA [CETA]) normally disregarded in AFDC, federal payments or benefits which must be excluded according to federal law, and Supplemental Medical Insurance premiums.

Family Size	Income Scale	
	Monthly	Yearly
1	\$500	\$6,000
2	600	7,200
3	700	8,400
4 or more	800	9,600

(d) The household must have total liquid assets at the time of application of not more than \$5,000. Excluded assets are cars, household or personal belongings, principal residence, cash surrender value of insurance policies, and prepaid burial policies.

(e) Applicants for the crisis [and emergency reconnection] component must attest that an immediate need for energy exists because the household is financially incapable of meeting their energy costs at the time of application or within fifteen (15) days. The thirty (30) day extension of service prior to energy cut-off granted by Public Service Commission regulations does not affect eligibility for the crisis component.

[(f) Under the emergency reconnection component, the utility service for the principal residence of the household must be disconnected.]

[(2) A household must meet the following conditions of eligibility for receipt of a Project Warmup component benefit:]

[(a) The household must be without adequate heat.]

[(b) The household must meet the income and assets criteria contained in subsection (1)(b) through (d) of this section.]

[(c) The applicant for shelter cannot be, in the opinion of the contracting agency, a threat to the health and/or welfare of other Project Warmup recipients.]

(2) [(3)] Households are eligible to receive benefits under either the regular or crisis component, [or emergency reconnection component and Project Warmup. Receipt of assistance under other HEAP components does not affect eligibility under the emergency summer aid component.]

[(4) For the emergency summer aid component, a household must meet the same income and assets criteria contained in subsection (1)(b) through (d) of this section. Households with members who have health/medical problems or who are aged, blind, disabled, or who have children shall receive priority.]

Section 4. Benefit Levels. [(1)] Payment amounts for the regular and crisis[, and emergency reconnection] components are set at a level to serve a maximum number of households while providing a reasonably adequate payment relative to energy costs. The highest level of assistance will be provided to households with lowest incomes and highest energy costs in relation to income, taking into account family size.

(1) [(a)] Payments to eligible households will be made for the full benefit amount based on type of energy for heating, monthly household income, and household size as specified in the following benefit scales.

#### Benefit Scales

##### Scale A.

Energy Sources: LP Gas (Propane), Fuel Oil, Electricity, Wood, Kerosene

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$275	\$300
301-600	238	263
over 600	—	225

##### Scale B.

Energy Sources: Natural Gas, Coal, Wood

Monthly Household Income	Payment Amount	
	Household Size 1 and 2	Household Size 3 or more
\$ 0-300	\$225	\$250
301-600	188	213
over 600	—	175

(2) [(b)] If the cabinet receives only a percentage of the federal funds authorized by Congress, benefits to eligible households under the regular or crisis components may be reduced proportionately.

[(2) Benefits to eligible households under the Project Warmup component shall be in the form of temporary shelter, blankets, space heater(s), short term fuel supplies, or the payment of utility reconnection fees and deposits if such payment will enable the household to obtain heat. Other benefits may be provided which directly or indirectly assist households in obtaining energy. Benefits will be available only in counties which contract with the cabinet for the provision of these services.]

[(3) Benefits to eligible households under the emergency summer aid component shall be in the form of fans, not to exceed forty dollars (\$40) per fan, and not to exceed two (2) fans per household, unless special circumstances warrant a waiver of these provisions.]

Section 5. Benefit Delivery Methods. Benefits shall be provided to eligible households as follows:

(1) Payment authorization under the regular and crisis components is of two (2) types.

(a) If the recipient utilizes an energy provider who has a continuous billing cycle, payment is authorized by a two (2) party check made payable to the provider and the recipient, whenever feasible.

(b) When there is no continuous billing cycle or heating is included as an undesignated portion of rent, payment shall be made by a check payable to the recipient and the provider/landlord whenever feasible.

(c) When a two (2) party check is not feasible, the recipient shall sign an affidavit prior to receipt of funds stating that benefits received under HEAP shall be utilized solely for home energy.

[(2) Payment authorization under the emergency reconnection component shall be made by a two-party check made payable to the provider and the recipient, whenever feasible.]

(2) [(3)] Under the regular and crisis[, or emergency reconnection] components, at the recipient's discretion, the total benefit may be made in separate authorizations to facilitate payment to more than one (1) provider (e.g., when the recipient heats with both a wood stove and electric space heaters). However, the total amount of the payments may not exceed the maximum for the primary source of energy for heating. The household will decide how to divide payment if more than one (1) provider is used.

[(4) For Project Warmup and emergency summer aid component, no direct cash payments shall be made to the recipient. Benefits shall be provided to eligible households by the contracting agency as necessary.]

Section 6. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055.

Section 7. Time Standards. The cabinet shall make an eligibility determination promptly after receipt of a com-

pleted and signed application but not to exceed thirty (30) days.

Section 8. Effective Dates. The following shall be the implementation and termination dates for HEAP:

(1) Applications for the regular component shall be accepted beginning *December 5* [January 3], 1983, and ending no later than *December 16* [January 14], 1983, at the close of business.

(2) Applications for the crisis component shall be accepted beginning *January 16, 1984* [17, 1983].

[(3) Applications for the emergency reconnection component shall be accepted beginning February 14, 1983.]

(3) [(4)] Application shall be processed in the order taken until funds are expended. HEAP regular and crisis[, and emergency reconnection] components shall be terminated by the secretary when actual and projected component expenditures have resulted in utilization of available funds or March 31, 1984 [1983], whichever comes first.

(4) [(5)] HEAP may be reactivated after termination under the same terms and conditions as shown in this regulation should additional federal funds be made available for that purpose.

[(6) Project Warmup may be implemented by contracting agencies on December 15, 1982. Benefits shall be provided until funds are exhausted or March 31, 1983, whichever comes first.]

[(7) Emergency summer aid component may be implemented by the contracting agency on July 25, 1983. Benefits shall be provided until funds are exhausted or September 15, 1983, whichever comes first.]

Section 9. Allocation of Funds. (1) Up to fifteen (15) percent of the total HEAP allocation shall be reserved for weatherization assistance.

(2) *Up to \$250,000 shall be reserved for use if special circumstances develop related to winter heating or shelter needs. If a determination is made that special circumstances will not be present, the funds shall be utilized*

*for benefits in the crisis component* [1.6 million shall be reserved for Project Warmup].

(3) Remaining benefit funds available under Public Law 97-35 shall be reserved for the regular and crisis components.

[(4) Of the approximately \$2.57 million oil pricing settlement funds made available to Kentucky by the United States Department of Energy pursuant to the 1983 Further Continuing Appropriation Act, up to \$1.0 million shall be reserved for the emergency reconnection component with the remainder made available for use in the crisis component.]

[(5) Up to \$275,000 shall be reserved for administration and implementation of the emergency summer aid component.]

Section 10. Energy Provider Responsibilities. Any provider accepting payment from HEAP for energy provided to eligible recipients is required to comply with the following:

(1) Reconnection of utilities and/or delivery of fuel must be accomplished upon certification for payment;

(2) The household must be charged in the normal billing process the difference between the actual cost of the home energy and the amount of payment made through this program. For balances remaining after acceptance of the HEAP payment, the customer must be offered the opportunity for a deferred payment arrangement or a level payment plan;

(3) HEAP recipients shall not be treated differently than households not receiving benefits; and

(4) The household on whose behalf benefits are paid shall not be discriminated against, either in the costs of goods supplied or the services provided.

(5) A landlord shall not increase the rent of recipient households on the basis of receipt of this payment.

JOHN CUBINE, Commissioner

ADOPTED: November 15, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: November 21, 1983 at 3:45 p.m.

## Amended Regulations Now In Effect

### FINANCE AND ADMINISTRATION CABINET Board of Accountancy As Amended

**201 KAR 1:100. Continuing professional education requirements for renewal of the permit to practice.**

RELATES TO: KRS 325.330

PURSUANT TO: KRS 325.240

EFFECTIVE: December 2, 1983

**NECESSITY AND FUNCTION:** To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to continuing professional education requirements for renewal of the permit to practice public accounting in the state.

Section 1. Basic Requirements. Effective for the license period beginning July 1, 1985 and each renewal period thereafter, certified public accountants shall provide

evidence to the board of satisfactory completion of twenty (20) hours of acceptable education at the time of application for renewal of the annual permit to practice. All persons holding a Kentucky CPA certificate and renewing their permit to practice annually must comply with the continuing education requirements.

(1) An applicant for an initial permit to practice, or a reinstatement as the holder of a permit to practice as a certified public accountant in this state, may be granted a permit on the condition that the applicant agrees to complete, by the next succeeding June 30, a proportionate number of hours of continuing education required for that year. The applicant would be required to complete two (2) hours per month for the number of full months from the date of application for the permit to the next succeeding June 30.

(2) A licensee short of the required continuing education hours at the renewal date may be given an extension of time by the board upon application to the board and presentation of sufficient cause to justify the extension.

The board reserves the right to interpret the foregoing with flexibility depending upon the individual circumstances. During the extension period, the licensee must not only make up the deficiency for the preceeding reporting period but must also earn towards the requirement for the next reporting period. All licensees still deficient in continuing education requirements at the end of the one (1) year renewal period and the extension will have their permits to practice withheld. If the situation continues the board will consider formal disciplinary action to revoke or suspend the CPA certificate.

(3) A licensee who exceeds the reporting requirement may not carry over the excess hours for the next reporting period.

(4) Exceptions. Licensees who are retired, disabled or have an individual hardship which precludes them from completing the education requirements will be required to file an affidavit with the board attesting to the difficulty and requesting waiver of the education requirements prior to the expiration of their present license. Formal approval by the board must be secured before the waiver can be assumed to be granted.

Section 2. Programs Which Qualify. (1) The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly to the professional competence of an individual licensed to practice as a certified public accountant in this state. The board may look to recognized state or national organizations for assistance in interpreting the acceptability of and credit to be allowed for individual courses.

(2) Continuing education programs will qualify only if:

(a) An outline of the program is prepared in advance and preserved;

(b) The program is at least one (1) hour (fifty (50) minute period) in length excluding meals and business sessions;

(c) The program is conducted by a qualified instructor. A qualified instructor or discussion leader is anyone whose background training, education or experience makes it appropriate for him to lead a discussion on the subject matter of the particular program; and

(d) A record of registration or attendance is maintained.

(3) Acceptable subject matter. The following general subject matters are acceptable so long as the programs meet the criteria established by this regulation: accounting and auditing; taxation; management services; computer science; communication arts; mathematics; statistics; probability and quantitative applications in business; economics; business law, functional fields of business—finance, production, marketing, personnel relations, business management and organizations; specialized areas of industry (i.e., real estate, farming, etc.); administration practice (e.g., engagement letters, personnel, etc.). Areas other than those listed above may be acceptable if the registrant can demonstrate that they contribute to his professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely upon the registrant.

(4) Acceptable programs. The following group programs qualify for credit if they meet the standards specified in this regulation: professional education and development programs of national, state and local accounting organizations; technical sessions at meetings of national, state and local accounting organizations and their chapters; university or college courses (both credit and non-credit courses); formal in-firm education programs;

programs of other organizations (accounting, industrial, professional, etc.); and firm meetings for staff or management groups which are structured as formal education programs. Portions of such meetings devoted to the communication and application of general professional policy or procedure may qualify. However, portions devoted to firm administrative, financial and operating matters would not qualify.

(5) Formal individual study programs. The amount of credit to be allowed for correspondence and formal individual study programs (including taped study programs) is to be recommended by the program sponsor based upon one-half ( $\frac{1}{2}$ ) the average completion time under appropriate field tests. Applicants claiming credits for such correspondence or formal individual study courses are required to obtain evidence of satisfactory completion of the course from the program sponsor. *Evidence of satisfactory completion in this section is defined as sponsor verification of completion of a workbook or examination on the subject matter.* Credit will be allowed in the renewal period in which the course was completed. [A maximum credit for such programs shall not exceed fifty percent (50%) of the renewal period requirement.]

(6) Service as lecturer, discussion leader, or speaker. Instructors, discussion leaders and speakers may claim continuing education credit for both preparation and presentation time. Credit may be claimed for actual preparation time up to two (2) times the class contact hours. Credit as an instructor, discussion leader or speaker may be claimed provided that the session is one which would meet the continuing education requirements of those attending. No credit will be granted for repetitious presentations of group programs. Maximum credit for such preparation and teachings shall not exceed sixty percent (60%) [fifty percent (50%)] of the renewal period requirement.

(7) Published articles, books. Credit may be awarded for published articles and/or books provided they contribute to the professional competence of the individual. Credit for preparation of such publications may be given on a self-declaration basis up to twenty-five percent (25%) of the total education hours required. In exceptional circumstances, an applicant may request additional credit by submitting the article or book to the board with an explanation of the circumstances which he feels justifies a greater credit. The board will determine the amount of credit to be granted for such exercise.

Section 3. Reporting and Controls. (1) Primary responsibility for documenting the requirements rests solely with the licensee, and evidence to support fulfilling those requirements must be retained for a period of five (5) years after completion of educational courses. The board will verify on a test basis, information submitted by licensees for renewal of their permit to practice. If an application for license renewal is not approved, the applicant will be so notified and he may be granted a period of time by the board in which to correct the deficiencies noted. Licensees will provide a statement of completion of the required education requirements under penalty of perjury on forms designated by the board.

(2) Sponsors. All sponsors of programs may pre-register with the board on an advance approval form which constitutes an agreement between the sponsor and the board. The programs sponsored will conform to the continuing education rules and policies of the board. All programs and subject areas not covered by this regulation must have separate approval by the board. Detailed records of each

program must be kept by the sponsor. The records will include:

- (a) The date and location of the program presentation;
- (b) The names of each instructor or discussion leader;
- (c) A listing of licensees attending each program presentation; and
- (d) A written outline of the program presentation.

These records must be kept by the sponsor for a period of five (5) years following the date each program is presented.

The sponsors of approved programs may advise attendees of such approval and the number of hours of continuing education credit allowable. The failure by sponsors to comply with the rules and policies of the board may result in revocation of approval of programs and such action may be made public to all licensees. The board may select an advisory committee on continuing education and request licensees participate as members in the capacity of offering advice on the acceptability of such programs.

JAMES T. AHLER, Executive Director

ADOPTED: August 12, 1983

RECEIVED BY LRC: September 6, 1983 at 9:30 a.m.

**COMMERCE CABINET**  
Department of Economic Development  
As Amended

**306 KAR 1:020. Application process.**

RELATES TO: KRS 154.660

PURSUANT TO: KRS 13.082, 278.280(2)

EFFECTIVE: December 2, 1983

NECESSITY AND FUNCTION: KRS 154.650 et seq. establishes and directs the Enterprise Zone Authority of Kentucky to organize and regulate the implementation of the Enterprise Zone Act. This regulation sets forth the procedures by which an application is made and the application process used by the authority in the administration of this program. *This regulation also establishes a procedure to alter the zone's boundary.*

Section 1. Application Process. (1) Prior to application, the city, county or urban-county government must, by official act of the appropriate local legislative body, designate an area within its jurisdiction as an economically depressed area. In the event an area is designated which crosses the jurisdictional boundary of a city or county, there must be submitted to the authority an inter-governmental agreement which sets forth the commitment by the jurisdictions to work jointly to achieve the results set forth in the jointly executed plan. The local government may designate more than one (1) such area.

(2) The authority shall devise application forms and shall make them available to anyone desiring same. All first year applications must be received by the authority on or before May 1, 1983 at which time the period in which the authority must make a decision begins to run. Applications for subsequent years shall be received by the authority on or before September 1 of the year submitted. The authority is to act promptly on the applications and may request additional information from the individual applicants. Applications shall be mailed to and information is available from the Enterprise Zone Authority, 2200 Capital Plaza Tower, Frankfort, Kentucky 40601.

(3) The staff of the authority shall review each application as submitted by the different applicants and request such additional information as they deem necessary. After said screening the staff shall submit the applications to the authority at which time the members of the authority shall review same. Subsequent to said review the authority may require oral presentations to be made by some or all of the applicants as they deem proper.

(4) Failure of an applicant to receive a designation does not preclude application in the following years.

(5) *At any time before or after an application has been approved, a community may apply to the Kentucky Enterprise Zone Authority for an addition [alteration] to the boundaries previously submitted or approved. Such requests for additions [alterations] of enterprise zone boundaries should reflect a need which now exists due to the prospects of economic activity in the change area which would create a significant number of new jobs and attract considerable amounts of private sector investment.*

W. DALE SMITH, Commissioner

EDWARD L. HOLLOWAY, Chairman

ADOPTED: September 15, 1983

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: September 15, 1983 at 3 p.m.

**COMMERCE CABINET**  
Department of Economic Development  
As Amended

**306 KAR 1:030. Eligibility requirements.**

RELATES TO: KRS 154.665

PURSUANT TO: KRS 13.082, 278.280(2)

EFFECTIVE: December 2, 1983

NECESSITY AND FUNCTION: KRS 154.650 et seq. establishes and directs the Enterprise Zone Authority of Kentucky to organize and regulate the implementation of the Enterprise Zone Act. This regulation sets forth the eligibility requirements used by the authority in determining the ability of the applicant to meet the requirements and the criteria which will be acceptable to the authority as supportive of the applicant's eligibility.

Section 1. Eligibility Requirements. An area meets the requirements of pervasive poverty, unemployment and economic distress if:

(1) The average rate of unemployment in such area for the most recent eighteen (18) month period, for which 1980 decennial United States Census is available or other statistical data computed using approved Bureau of Labor Statistics methodology, was at least one and one-half (1½) times the average national rate of unemployment for such eighteen (18) month period.

(2) In addition to the unemployment statistics, an area must meet one (1) of the following additional requirements to be eligible:

(a) At least seventy percent (70%) of the residents (households) living in the area have income below eighty percent (80%) of the median income of the residents (families) of the city, county or urban county government requesting designation as based on 1980 decennial United States Census or which is the product of a study or survey done by a source which is acceptable to the authority; or

(b) The population of all census tracts or equivalent census statistical area, i.e., block numbering areas or enumeration districts, in the area decreased by ten percent (10%) or more between 1970 and 1980 as determined by the 1970 and 1980 censuses respectively, and the city, county or urban county government requesting designation can establish to the satisfaction of the authority that either: chronic abandonment or demolition of commercial or residential structures exist in the area, or substantial tax arrearages of commercial or residential structures exist in the area. Acceptable data for "chronic abandonment" could include tax arrearages information from the offices of the county sheriff or property valuation administrator, or demolition permits if available. A measure of chronic abandonment, demolition of or substantial tax arrearages of commercial or residential structures could be established if the area has a higher rate of tax arrearages by dollar value or parcels, than the city or county as a whole.

(3) An applicant which chooses to generate statistics or use those of others to support eligibility requirements shall provide the authority with the detailed statistics, source methodology and certification by the person or persons responsible for preparation approving the explanation and interpretation of the findings.

(4) A community applying to the Kentucky Enterprise Zone Authority for an addition [alteration] to the boundaries of an enterprise zone must certify that the area in question is contiguous to the present zone boundaries and that the changed zone area still meets the minimum eligibility criteria set forth in the Act. A community should submit an application for boundary additions [alterations] under the same guidelines as the original application, showing new zone boundaries, and new eligibility criteria. Boundary changes do not go into effect until after written approval has been received from the Kentucky Enterprise Zone Authority. For purposes of time period referred to in KRS 154.670(2) and (3), the date of the original zone designation shall be utilized for calculating said time periods.

W. DALE SMITH, Commissioner  
EDWARD L. HOLLOWAY, Chairman

ADOPTED: September 15, 1983

APPROVED: W. BRUCE LUNSFORD, Secretary

RECEIVED BY LRC: September 15, 1983 at 3 p.m.

**NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET**  
Department for Environmental Protection  
Division of Waste Management  
As Amended

**401 KAR 35:270. Underground injection (IS).**

RELATES TO: KRS 224.033, 224.830 through 224.877, 224.994

PURSUANT TO: KRS 13.082, 13.083, 224.017, 224.033, 224.866

EFFECTIVE: December 2, 1983

NECESSITY AND FUNCTION: KRS 224.866 requires that persons engaging in the storage, treatment, and disposal of hazardous waste obtain a permit. KRS 224.866 requires the cabinet to establish standards for these permits, to require adequate financial responsibility, and to establish minimum standards for closure for all facilities

and the post-closure monitoring and maintenance of hazardous waste disposal facilities. This chapter establishes minimum standards for hazardous waste sites or facilities qualifying for interim status. This regulation establishes minimum standards for underground injection.

Section 1. Applicability. Except as Section 1 of 401 KAR 35:010 provides otherwise:

(1) The owner or operator of a site or facility which disposes of hazardous waste by underground injection is not excluded from the requirements of 401 KAR 35:070 through 35:130.

(2) The requirements of this regulation apply to owners and operators of wells used to dispose of hazardous waste which are classified as Class I under 40 CFR 144.6(a) and which are classified as Class IV under 40 CFR 144.6.

JACKIE SWIGART, Secretary

ADOPTED: June 10, 1983

RECEIVED BY LRC: June 14, 1983 at 11 a.m.

**NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET**  
Department for Environmental Protection  
Division of Waste Management  
As Amended

**401 KAR 38:070. Application procedures.**

RELATES TO: KRS 224.033, 224.036, 224.071, 224.087, 224.830 through [224.835, 224.842, 224.855, 224.860, 224.862, 224.864, 224.866, 224.868, 224.871, 224.873, 224.874, 224.876,] 224.877, 224.994

PURSUANT TO: KRS 13.082, 13.083, 224.033, [224.017,] 224.866

EFFECTIVE: December 2, 1983

NECESSITY AND FUNCTION: KRS 224.842 and 224.866 require any person who treats, stores, recycles or disposes of hazardous waste to first obtain a hazardous waste site or facility permit from the Natural Resources and Environmental Protection Cabinet. This chapter establishes the permitting process for hazardous waste sites or facilities. An overview of the permit program is found in the Necessity and Function of 401 KAR 38:010. This regulation establishes the [standards on] application procedures.

Section 1. *General Application Requirements.* (1) Permit application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the cabinet as described in Sections 1 through 6 of this regulation and 401 KAR 38:020. Persons currently authorized with interim status under 401 KAR 38:020 shall apply for permits when required by the cabinet. Persons covered by permits by rule, Section 1[(1)] of 401 KAR 38:060 [38:010], need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in Section 2 [4] of 401 KAR 38:060 [38:010].

(2) [Section 2.] Applicant; who applies? When a facility or activity is owned by one (1) person but is operated by another person, it is the operator's duty to obtain a permit, and the owner must also sign the permit application.

(3) [Section 3.] Completeness. The cabinet shall not issue a permit before receiving a complete application for a

permit. An application for a permit is complete when the cabinet receives an application form and any supplemental information which is *required* [completed] to *determine the merits of the application* [its satisfaction]. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility [or activity].

(4) [Section 4.] Information requirements. All applicants for permits shall provide the *applicable* [following] information in compliance with 401 KAR 38:080 through 401 KAR 38:210 to the cabinet, using the application form provided by the cabinet [(additional information required of applicants is set forth in Sections 8 through 10 of this regulation and Sections 1 through 6 of 401 KAR 38:080)].

[(1) The activities conducted by the applicant which require him to obtain permits.]

[(2) Name, mailing address, and location of the facility for which the application is submitted.]

[(3) Up to four (4) SIC codes which best reflect the principal products or services provided by the facility.]

[(4) The operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.]

[(5) Number of copies. Any person who requires a hazardous waste site or facility permit shall submit two (2) copies of the application. If the application for a permit includes an incinerator or a facility which requires groundwater monitoring, three (3) copies of the application must be submitted to the cabinet. Additional copies may be required prior to permit issuance. [Whether the facility is located in Indian lands.]

[(6) A listing of all permits or construction approvals received or applied for under any of the following programs:]

[(a) Hazardous waste management program under the Resource Conservation and Recovery Act (RCRA);]

[(b) UIC program under the Safe Drinking Water Act (SDWA);]

[(c) NPDES program under the Clean Water Act (CWA);]

[(d) Prevention of significant deterioration (PSD) program under the Clean Air Act (CAA);]

[(e) Nonattainment program under the Clean Air Act;]

[(f) National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under the Clean Air Act;]

[(g) Ocean disposal permits under the Marine Protection Research and Sanctuaries Act;]

[(h) Dredge or fill permits under Section 404 of CWA; and]

[(i) Other relevant environmental permits, including air pollution, water quality and solid waste permits issued by the cabinet.]

[(7) A topographic map (or other map if a topographic map is unavailable) extending one (1) mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within one-fourth (¼) mile of the facility property boundary.]

[(8) A brief description of the nature of the business.]

**Section 2. Existing Hazardous Waste Sites or Facilities.** (1) Owners and operators of existing hazardous

waste sites or facilities must submit Part A of their permit application or its equivalent (*Registration of Intent to Apply for a Permit*) to the cabinet no later than November 19, 1980 or thirty (30) days after the date they first become subject to the standards set forth in 401 KAR Chapter 35, whichever first occurs.

(2) The cabinet may extend the date by which owners and operators of specified classes of existing hazardous waste management facilities must submit Part A of their permit application or its equivalent if the cabinet finds that:

(a) There has been substantial confusion as to whether the owners and operators of such facilities were required to file a permit application; and

(b) Such confusion is attributable to ambiguities in the waste management regulations.

(3) The cabinet may by compliance order extend the date by which the owner and operator of an existing hazardous waste site or facility must submit Part A of their permit application or its equivalent.

(4) Any time after promulgation of the appropriate regulatory requirement the owner and operator of an existing hazardous waste site or facility may be required to submit Part B of their permit application. Any owner or operator shall be allowed at least six (6) months from the date of request to submit Part B of the application. Any owner or operator of an existing hazardous waste site or facility may voluntarily submit Part B of the application at any time.

(5) Failure to furnish a requested Part B application on time, or to furnish in full the information required by the Part B application, is grounds for termination of interim status under 401 KAR 38:050.

**Section 3. New Hazardous Waste Sites or Facilities.** (1) [Except as provided in subsection (3) of this section,] No person shall begin physical construction of a new hazardous waste site or facility without having submitted Part A or its equivalent and Part B of the permit application and received an effective hazardous waste site or facility permit (see Section 12 of 401 KAR 38:050).

(2) An application for a permit for a new hazardous waste site or facility (including both Part A or its equivalent, and Part B) may be filed at any time after promulgation of the standards in 401 KAR 34:180, et seq., applicable to such facility. The application shall be filed with the cabinet. [Except as provided in subsection (3) of this section,] All applications must be submitted at least 180 days before physical construction is expected to commence.

[(3) After November 19, 1980, but prior to the effective date of those standards in 401 KAR 34:180, et seq., which are applicable to his facility, a person may begin physical construction of a new hazardous waste site or facility, except for landfills, injection wells, land treatment facilities or surface impoundments (as defined in 401 KAR 30:010) without having received an effective hazardous waste site or facility permit, if prior to beginning physical construction, such person has:]

[(a) Obtained the federal, state and local approvals, permits, or certificates necessary to begin physical construction;]

[(b) Submitted Part A of the permit application or its equivalent; and]

(c) Made a commitment to complete physical construction of the facility within a reasonable time. Such person may continue physical construction of the new hazardous

waste site or facility after the effective date of the permitting standards in 401 KAR 34:180, et seq., applicable to his facility if he submits Part B of the permit application on or before the effective date of such standards (or on some later date specified by the cabinet). Such person must not operate the new hazardous waste site or facility without having received an effective hazardous waste site or facility permit.

**Section 4. Updating Permit Applications.** (1) If any owner or operator of a hazardous waste site or facility has filed Part A of a permit application or its equivalent and has not yet filed Part B, the owner or operator shall file an amended Part A application or its equivalent with the cabinet:

(a) No later than the effective date of regulatory provisions listing or designating wastes as hazardous in addition to those listed or designated previously in 401 KAR Chapter 31, if the facility is treating, storing or disposing of any of the newly listed or designated waste; or

(b) As necessary to comply with Section 3 of 401 KAR 38:020 for changes during interim status.

(2) The owner or operator of a facility who fails to comply with the updating requirements of subsection (1) of this section does not receive interim status as to the wastes not covered by a duly filed Part A application or its equivalent.

**Section 5. Reapplications.** Any hazardous waste site or facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the cabinet. (The cabinet shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

**Section 6. [5.] Recordkeeping.** Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under Section 1(4) [through 6 and 8 through 10] of this regulation and [Sections 1 through 6 of] 401 KAR 38:080 through 38:210, for a period of at least three (3) years from the date the application is signed.

[Section 6. Permit Requirements. (1) Any person who requires a hazardous waste site or facility permit under KRS Chapter 224 shall complete, sign, and submit to the cabinet an application for each permit required. Applications are not required for hazardous waste site or facility permits by rule (Section 1 of 401 KAR 38:010) or underground injections authorized by rule.]

[(2) The cabinet shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit.]

[(3) Permit applications must comply with the signature and certification requirements of Section 7 of this regulation.]

**Section 7. Signatures to Permit Applications and Reports.** (1) Applications. All permit applications shall be signed as follows:

(a) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: [principal executive officer of at least the level of vice-president;]

1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one (1) or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

1. The chief executive officer of the agency; or

2. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrators of EPA).

(2) Reports. All reports required by permits, and other information requested by the cabinet, shall be signed by a person described in subsection (1) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(a) The authorization is made in writing by a person described in subsection (1) of this section.

(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(c) The written authorization is submitted to the cabinet.

(3) Changes to authorization. If an authorization under subsection (2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (2) of this section must be submitted to the cabinet prior to or together with any reports, information, or applications to be signed by an authorized representative.

(4) Certification. Any person signing a document under subsections (1) or (2) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. [I have personally examined and am familiar with the information submitted in this document and all attachments and that,] Based on my inquiry of the person or persons directly [those individuals immediately] responsible for gathering [obtaining] the information, the information submitted is, to the best of my knowledge and belief, [I believe that the information is] true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Section 8. Confidentiality of Information.** [Contents of Part A Application or its equivalent. In addition to the information in Sections 1 through 6 of this regulation, Sections 5 and 7 of 401 KAR 38:010, and Section 5 of 401 KAR 38:040, Part A of the hazardous waste site or facility permit application or its equivalent (Registration of Intent to Apply for Permit) shall include the following information:]

(1) Claims of confidentiality. In accordance with KRS

224.036, any information submitted to the cabinet pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the cabinet may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in KRS 224.036 (Public Information) and any other provision of the waste management regulations relating to confidentiality of information. [Location. The latitude and longitude of the facility.]

(2) Denial of claims of confidentiality. Claims that the name and address of any permit applicant or permittee is confidential will be denied. [Owner information. The name, address, and telephone number of the owner of the facility.]

[(3) Status of the facility and application. An indication of whether the facility is new or existing and whether it is a first or revised application.]

[(4) Scale drawing. For existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas.]

[(5) Photographs. For existing facilities, photographs of the facility clearly delineating all existing structures: existing treatment, storage, and disposal areas; and sites of future treatment, storage and disposal areas.]

[(6) Process description. A description of the processes to be used for treating, storing and disposing of hazardous waste, and the design capacity of these items.]

[(7) Information on wastes. A specification of the hazardous wastess listed or designated under 401 KAR Chapter 31 to be treated, stored, or disposed at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for such wastes.]

[Section 9. Contents of Part B Application. Part B information requirements presented below reflect the information requirements necessary for the cabinet to determine compliance with 401 KAR Chapter 34 standards. If owners and operators of hazardous waste sites or facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the cabinet may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the cabinet and signed in accordance with requirements in Section 7. Certain technical data, such as design drawings and specifications, and engineering studies, shall be certified by a registered professional engineer. Part B of the hazardous waste site or facility application must include the information requirements in Section 10 of this regulation and Sections 1 through 6 of 401 KAR 38:080.]

[Section 10. General Information Requirements. The following information is required for all hazardous waste sites or facilities, except as 401 KAR 34:010, Section 1 provides otherwise:]

[(1) A general description of the facility.]

[(2) Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses shall contain all the information which must be

known to treat, store, or dispose of the wastes properly in accordance with 401 KAR Chapter 34.]

[(3) A copy of the waste analysis plan required by 401 KAR 34:020, Section 4(2) and, if applicable, Section 4(3) of 401 KAR 34:020.]

[(4) A description of the security procedures and equipment required by 401 KAR 34:020, Section 5, or a justification demonstrating the reasons for requesting a waiver of this requirement.]

[(5) A copy of the general inspection schedule required by 401 KAR 34:020, Section 6(2) including, where applicable, as part of the inspection schedule, specific requirements in Section 5 of 401 KAR 34:180, Section 4 of 401 KAR 34:190, Section 5 of 401 KAR 34:200, and Section 5 of 401 KAR 34:210.]

[(6) A justification of any request for a waiver(s) of the preparedness and prevention requirements of 401 KAR 34:030.]

[(7) A copy of the contingency plan required by 401 KAR 34:040, including, where applicable, as part of the contingency plan, specific requirements in 401 KAR 34:200 and 34:210.]

[(8) A description of procedures, structures, or equipment used at the facility to:]

[(a) Prevent hazards in unloading operations (for example, ramps, special forklifts);]

[(b) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);]

[(c) Prevent contamination of water supplies;]

[(d) Mitigate effects of equipment failure and power outages; and]

[(e) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing).]

[(9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with 401 KAR 34:020, Section 8, including documentation demonstrating compliance with 401 KAR 34:020, Section 8(3).]

[(10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; describe access road surfacing and load bearing capacity; show traffic control signals).]

[(11) Facility location information:]

[(a) In order to determine the applicability of the seismic standard, 401 KAR 34:020, Section 9(1), the owner or operator of a new facility must identify the political jurisdiction (e.g., county, township, or election district) in which the facility is proposed to be located.]

[(b) If the facility is proposed to be located in an area listed in 401 KAR 34:340, the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either: No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within 3,000 feet of a facility are present, based on data from: published geologic studies, aerial reconnaissance of the area within a five (5) mile radius from the facility; an analysis of aerial photographs covering a 3,000 foot radius

of the facility, and if needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or if faults (to include lineations) which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility, data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses the location of any faults found.]

[(c) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where a FIA map is not available. Information shall also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.]

[(d) Owners and operators of facilities located in the 100-year floodplain must provide the following information: Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood; structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout; if applicable, and in lieu of paragraph (c) of this subsection, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including: timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility; a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the regulations under 401 KAR Chapters 34, 35 and 38; the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; the potential for accidental discharges of the waste during movement.]

[(e) Existing facilities NOT in compliance with 401 KAR 34:020, Section 9(2) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.]

[(f) The owner or operator of a facility shall demonstrate compliance with Section 5 of 401 KAR 35:010 and with 401 KAR 30:030. This compliance shall be demonstrated by submitting a groundwater monitoring plan to the cabinet including, but not limited to, data and reports required by Section 5 of 401 KAR 35:010.]

[(12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the hazardous waste site or facility in a safe manner as required to demonstrate compliance with 401 KAR 34:020, Section 7. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 401 KAR 34:020, Section 7(1)(c).]

[(13) A copy of the closure plan and, where applicable, the post-closure plan required by Sections 3 and 8 of this regulation.]

[(14) For existing facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by Section 10 of 401 KAR 34:070.]

[(15) The most recent closure cost estimate for the facility prepared in accordance with Section 1 of 401 KAR 34:090 plus a copy of the financial assurance mechanism adopted in compliance with 401 KAR 34:090, Sections 2 through 12.]

[(16) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with Section 1 of 401 KAR 34:100 plus a copy of the financial assurance mechanism adopted in compliance with 401 KAR 34:100, Sections 2 through 12.]

[(17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 401 KAR 34:120. For a new facility, documentation showing the amount of insurance meeting the specification of 401 KAR 34:120, Section 1, and if applicable, 401 KAR 34:120, Section 2, that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in 401 KAR 34:120.]

[(18) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (approximately one (1) inch) equal to not more than 61.0 meters (approximately 200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (approximately five (5) feet), if relief is greater than 6.1 meters (approximately twenty (20) feet), or an interval of 0.6 meters (approximately two (2) feet), if relief is less than 6.1 meters (approximately twenty (20) feet). Owners and operators of hazardous waste sites or facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:]

[(a) Map scale and date;]

[(b) 100-year floodplain area;]

[(c) Surface waters including intermittent streams;]

[(d) Surrounding land uses (residential, commercial, agricultural, recreational);]

[(e) A wind rose (i.e., prevailing windspeed and direction);]

[(f) Orientation of the map (north arrow);]

[(g) Legal boundaries of the hazardous waste site or facility;]

[(h) Access control (fences, gates);]

[(i) Injection and withdrawal wells both on-site and off-site;]

[(j) Buildings; treatment, storage, or disposal operations; or other structures (recreation areas, runoff control

systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);]

[(k) Barriers for drainage or flood control; and]

[(l) Location of operational units within the hazardous waste site or facility where hazardous waste is (or will be) treated, stored, or disposed (including equipment cleanup areas).]

[(19) In addition to information required by the cabinet pursuant to this section, all applicants for construction permits must submit to the cabinet a plan in accordance with KRS 224.866(1). The plan must address each of the following issues specifically, must document the applicant's decisions with respect to the proposal, must make reasonable justification for actions taken and demonstrate that the proposed facility can be integrated into the surroundings in an environmentally compatible manner, including but not limited to insuring that hydrologic, seismologic, geologic and soil considerations have been adequately addressed in the application and operational plan. The plan must include:]

[(a) An evaluation of alternatives including other site locations and treatment, storage and disposal approaches (see KRS 224.866(1)(a));]

[(b) An evaluation of the public health, safety and environmental aspects of the proposal (see KRS 224.866(1)(b));]

[(c) An evaluation of the social and economic impacts of the proposal on the affected community (see KRS 224.866(1)(c));]

[(d) An evaluation of mitigation procedures to alleviate problems identified in paragraphs (a), (b), and (c) of this subsection (see KRS 224.866(1)(d)); and]

[(e) An evaluation of the relationship of the proposal to local planning and existing development (see KRS 224.866(1)(e)).]

[(20) Applicants may be required to submit such information as may be necessary to enable the cabinet to carry out its duties under other state laws as required in this chapter.]

[Section 11. Specific Information Requirements. Sections 1 through 6 of 401 KAR 38:080 contains additional information required from owners or operators of specific types of hazardous waste sites or facilities that are used or to be used for storage or treatment.]

JACKIE SWIGART, Secretary

ADOPTED: October 14, 1983

RECEIVED BY LRC: October 14, 1983 at 2:15 p.m.

**NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET  
Department for Environmental Protection  
Division of Waste Management  
As Amended**

**401 KAR 47:020. Solid waste permit process.**

RELATES TO: KRS 224.835, 224.842, 224.846, 224.855

PURSUANT TO: KRS 13.082, 13.083, 224.017, 224.033(24)

EFFECTIVE: December 2, 1983

NECESSITY AND FUNCTION: KRS 224.855 specifies minimum requisites for issuance of waste disposal permits,

and KRS 224.835 and 224.842 prohibit use or operation of a waste disposal site or facility without first obtaining a permit from the Natural Resources and Environmental Protection Cabinet. This chapter establishes standards for solid waste sites or facilities. This regulation specifies the general requirements for all solid waste disposal permits.

Section 1. General Requirements for Permitting. (1) No person or state or federal agency shall engage in the disposal of solid waste without having first obtained a permit, permit by rule or a variance from the cabinet.

(2) A permit shall authorize the owner/operator to engage in the disposal of solid waste in a manner prescribed by the cabinet for a period of not more than five (5) years from the date of issuance or renewal.

(3) The permit shall confer upon the owner/operator a qualified right to dispose of solid waste, but shall not relieve the owner/operator of responsibility to comply with all applicable federal, state and local laws and regulations, including but not limited to the Clean Water Act (33 U.S.C. 1251), the Safe Drinking Water Act (42 U.S.C. 7041), the Occupational Safety and Health Act (29 U.S.C. 651) and the Endangered Species Act (16 U.S.C. 1530), as amended.

(4) The permit shall be issued in the name of the applicant, and shall be non-transferable without written approval by the cabinet. Any successor operator prior to the final closure of the facility whether by sale, assignment, lease or otherwise may be required to submit an application or independently provide financial responsibility for closure or both.

(5) Disposers of certain industrial wastes *which are solid wastes* by a practice common to the industry are presumed to hold a permit and can operate pursuant to this permit by rule provided the operation is not in violation of the applicable "Environmental performance standards" of 401 KAR 30:030 [Section 1(1)], or does not present a threat of imminent hazard to the public health or substantial environmental impact.

(a) A permit by rule is hereby granted for the following disposal facilities or practices:

1. Sawdust piles.
2. Disposal of asphalt residue.
3. Oil production brine pits, and gas and oil drilling mud pits.
4. Disposal of septic tank pumpings by a properly registered septic tank pumping hauler.
5. Disposal of waste from the mining, processing or primary beneficiation of ores and minerals.
6. Operation of a solid waste incinerator excluding the disposal of the residue from the incinerator.
7. Junkyards.
8. Pits, ponds and lagoons permitted by other environmental programs in the cabinet for the disposal of residual waste from pollution control devices.
9. One (1) time construction material fills at the place of generation.
10. Beneficial reuse or recycling of solid waste except for sludges regulated by 401 KAR 47:050.
11. Inert disposal site of less than one (1) acre.
12. Disposal of demolition waste on the property where demolition occurred.
13. Disposal of land clearing debris on the property where clearing occurred.

(b) A permit by rule can be granted by the cabinet for the disposal of insignificant amounts of a specific industrial waste. Any request for a permit by rule may be granted after evaluation by the cabinet of the following criteria:

1. Size of the disposal site or facility.
2. Potential for adverse effects on health and the environment as identified in the "Environmental performance standards," 401 KAR 30:030 [Section 1].
3. Quantity of waste generated.
4. Chemical and physical characteristics of the waste including reactivity and explosivity.
5. Hydrogeological and geologic characteristics of the facility including the topography of the area and the proximity to surface waters.
6. Method of disposal.

*Section 2. Considerations of Federal Law. Permits shall be issued in a manner and shall contain conditions consistent with requirements of applicable federal laws. These laws may include: [The following is a list of federal laws that may apply to the issuance of permits under this chapter. When any of these laws is applicable, its procedures must be followed. When the applicable law requires consideration or adoption of particular permit conditions or requires the denial of a permit, those requirements also must be followed.]*

*(1) The Wild and Scenic Rivers Act, 16 U.S.C. 1273 et seq. Section 7 of the Act prohibits the assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.*

*(2) The National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq. Section 106 of the Act and implementing regulations (36 CFR Part 800) require the adoption measures before issuing a license, when feasible to mitigate potential adverse effects of the licensed activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.*

*(3) The Endangered Species Act, 16 U.S.C. 1531 et seq. Section 7 of the Act and implementing regulations (50 CFR Part 402) require that in consultation with the Secretary of the Interior or Commerce, any action authorized is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat.*

*(4) The Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq. requires that, before issuing a permit proposing or authorizing the impoundment (with certain exemptions), diversion or other control or modification of any body of water, consult with the appropriate state agency exercising jurisdiction over wildlife resources to conserve those resources.*

*Section 3. [2.] Issuance of Permit. (1) The cabinet shall issue a construction permit, if after completing a technical review of the administratively complete application, it finds [upon finding] that the person or state or federal agency desiring the permit has met all the requirements for application and the requirements of KRS 224.855, and has the ability to meet the operational and closure requirements of the solid waste regulations. An application for a permit may be denied or an active permit revoked for failure to comply with applicable state statutes or regulations, including but not limited to any failure to provide or maintain adequate financial responsibility.*

*(2) No construction permit shall be issued until at least thirty (30) days have expired following publication of a*

*notice of application as required under KRS 224.855. A verified affidavit from the publisher of the notice, establishing the date of publication, shall be received by the cabinet before a construction permit is issued. This publication shall be made after the owner/operator receives written notice that the cabinet has completed the technical review of the [received a complete] application.*

*(3) An operational permit shall be issued by the cabinet when:*

*(a) The applicant notifies the cabinet, in writing, that construction has been completed;*

*(b) A representative of the cabinet inspects the site and verifies in writing that the site has been developed according to plans and that necessary equipment is available to the site; and*

*(c) The required financial responsibility for closure has been established, by posting a bond or establishing an escrow account as required by KRS 224.846 in an amount of \$10,000 or greater if so determined by an approved closure plan and cost estimate. The approved cost estimate for closure and corresponding bond shall be reviewed and adjusted at least once every five (5) years.*

*(4) The cabinet shall make a determination whether an application is complete within thirty (30) days of receipt. The cabinet shall act on the complete permit application within ninety (90) days of receipt or shall, within that time period, inform the applicant of a projected schedule for review.*

*(5) The cabinet may issue a permit subject to special conditions which include but are not limited to types of wastes which may be accepted or disposed, special operating conditions, schedules for compliance for corrective actions, and the issuance of other applicable permits of the cabinet.*

*Section 4. [3.] Copies and Display of Permits and Application. (1) The applicant shall submit one (1) copy of all information required for review of the permit application to the cabinet.*

*(2) When review is complete the applicant shall provide the cabinet with at least three (3) copies of the final application for formal certification and issuance of the permit document.*

*(3) One (1) copy shall be returned to the permittee and the permit with all applicable conditions shall be conspicuously displayed at the solid waste site or facility for the duration of the permit. A copy of the approved application including plans shall be reasonably available at the site.*

*Section 5. [4.] Termination and Renewal of Permit. (1) A permit shall automatically terminate at the end of five (5) years. A shorter period may be specified. Permit by rule shall be perpetual until modified, revoked, or suspended by the cabinet.*

*(2) A permit may be renewed. Renewal requests shall be made in writing to the cabinet not less than sixty (60) days prior to the permit expiration date and shall include any changes or modifications in the approved plan of operation for the facility.*

*(3) The cabinet, in issuing a renewal, shall consider whether all conditions of the original permit and modifications of permit conditions by agreed order or otherwise are being met. The cabinet may request updated information necessary for re-evaluating the permit's suitability for reissuance and impose additional or modified permit conditions if deemed appropriate.*

Section 6. [5.] Modification of Operating Methods or Proposed Closure by Owner/Operator. (1) The owner/operator shall submit in writing to the cabinet for preliminary review any proposed change in the approved closure and other plans or any proposed change in the operating methods. "Any change" includes but is not limited to any additional wastes not listed at the time of the original permit issuance or any other request for a variance from existing permit requirements.

(2) Permit modifications for specific waste streams may be granted upon proper request made by either the disposal facility or the waste generator.

(3) The cabinet shall notify the owner within thirty (30) days if the modification will require prior administrative analysis and review and the payment of a fee, or if further information is required before the modification, change, or variance can be approved or denied. The cabinet will respond to the request within thirty (30) days of receipt of all applicable fees and information with a letter of acknowledgement, issuance of a variance or issuance of a permit modification as appropriate.

(4) The owner/operator shall not proceed with the proposed closure or change in operating methods without written approval of the cabinet.

Section 7. [6.] Repealer and Effective Dates. (1) *The*

*regulations in 401 KAR Chapter 47 [401 KAR 47:020 through 401 KAR 47:111] supersede solid waste regulation 401 KAR 2:010.*

(2) Existing permitted solid waste disposal sites classified as landfills under 401 KAR 2:010 will be classified as inert landfills upon the effective date of this regulation. Existing permitted solid waste disposal sites classified as sanitary landfills under 401 KAR 2:010 will be classified as residential landfills upon the effective date of this regulation. Existing facilities thus classified will not be required to meet the design, location and construction standards of 401 KAR 47:040 provided that they are in compliance with the "Environmental performance standards" of 401 KAR 30:030 [, Section 1(1)]. Those existing facilities desiring to request a different classification will be required to meet the changed requirements for location, design or construction before the modification in classification is approved by the cabinet.

(3) All persons subject to the solid waste regulations shall meet the changed solid waste facility operating standards within 180 days of the effective date of the regulations.

JACKIE SWIGART, Secretary

ADOPTED: October 14, 1983

RECEIVED BY LRC: October 14, 1983 at 2:15 p.m.

## Amended After Hearing

(Republished prior to Subcommittee consideration as required by KRS 13.085(4).)

### COMMERCE CABINET Department of Fish and Wildlife Resources Amended After Hearing

#### 301 KAR 1:055. Angling; limits and seasons.

RELATES TO: KRS 150.010, 150.025, 150.470, 150.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: In order to perpetuate and protect the size and well being of fish populations, it is necessary to govern the size and numbers fishermen can harvest.

Section 1. The statewide season, creel limits and size limits for taking fish by angling shall be as follows except as specified in Section 2 of this regulation for specific bodies of water:

Species	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (largemouth, smallmouth, Kentucky and Coosa bass)	10	20	12
Rock bass (known as goggle-eye or redeye)	15	30	None
Walleye and hybrids	10	20	15
Sauger	10	20	None
Muskellunge and hybrids	2	2	30
Northern pike	5	10	None
Chain pickerel	5	10	None
White bass and yellow bass	60	60	None
Rockfish and hybrids	5	5	15
Crappie	60	60	None
Trout (all species)	8	8	None
Bull frogs	15	30	None

Seasons for all species, except bull frogs, is year round. Bull frog season is May 15 to October 31, annually.

Section 2. The following special limits apply: (1) The impounded waters of Grayson Lake:

Species	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (largemouth, smallmouth, Kentucky & Coosa bass)	10	20	15
Crappie	None	None	None

(2) The impounded waters of Herrington Lake and Dix River and their tributary streams upstream from Dix Dam:

Species	Daily Creel Limits	Possession Limits	Size Limits Inches
White bass, rockfish, and hybrids	20	40	See (a)

(a) No more than five (5) fish of a daily limit or ten (10) fish of a possession limit may be fifteen (15) inches or longer.

(3) The impounded waters of Taylorsville Lake:

Species	Daily Creel Limits	Possession Limits	Size Limits Inches
Black bass (largemouth, smallmouth, Kentucky & Coosa bass)	10	20	15

(4) The impounded waters of Kentucky and Barkley Lakes, including the connecting canal:

Species	Daily Creel Limits	Pos- session Limits	Size Limits Inches
Black bass (largemouth, smallmouth, Kentucky & Coosa bass)	10	20	See (a)

(a) Fourteen (14) inches, except that the daily limit may include no more than one (1) and the possession limit no more than two (2) black bass less than fourteen (14) inches in length.

[(4) The impounded waters of Kentucky Lake including that portion of the canal to the Highway 453 bridge:]

[Species]	Daily Creel Limits	Pos- session Limits	Size Limits Inches
Black bass (largemouth, smallmouth, Kentucky & Coosa bass)	10	20	15]

All other angling limits and seasons apply as set forth in Section 1 of this regulation.

Section 3. All fish must be measured from the terminal end of the lower jaw to the tip of the longest tail fin. All fish caught that are smaller than those prescribed minimum lengths must be returned immediately to the waters from which they were taken in the best physical condition possible. Under no circumstances may a fisherman remove the head or the tail or part thereof of any of the above named fish while in the field and before he has completed fishing for the day.

CARL E. KAYS, Commissioner

ADOPTED: December 5, 1983

APPROVED: CARROLL KNICELY, Secretary

RECEIVED BY LRC: December 14, 1983 at 1 p.m.

**NATURAL RESOURCES AND  
ENVIRONMENTAL PROTECTION CABINET**  
Division of Water  
Amended After Hearing

401 KAR 5:045. Biochemically degradable wastes; treatment.

RELATES TO: KRS [Chapter] 224.020, 224.033(1),(5), (15),(19),(21),(23), 224.060

PURSUANT TO: KRS 13.082, 224.033(17), 224.045(6)

NECESSITY AND FUNCTION: This regulation is necessary to implement KRS 224.020, 224.033(1),(5),(15), (19),(21),(23), and 224.060. It requires a minimum of secondary treatment or best conventional pollutant control technology where applicable for all [publicly owned] facilities [and those facilities which are regulated under KRS 278.010] which receive biochemically degradable [biodegradable] wastes, [a minimum of best practicable control technology or best available technology economically achievable for other facilities which receive biodegradable waste,] and additional treatment in certain situations. The regulation requires that such treatment facilities receiving such wastes reapply to the cabinet [department] 150 days prior to the expiration of the current permit [prior to January 1, 1977] for a permit to continue operating.

Section 1. Definitions. The following definitions and conditions apply to terms used in Section 3 and Section 4: [The definitions found in Section 1 of 401 KAR 5:005 shall apply to this regulation.]

(1) "Grab sample" means a single instantaneous portion of the effluent.

(2) "Composite sample" means:

(a) Not less than four (4) effluent portions collected at regular intervals over a period of eight (8) hours and combined in proportion to flow;

(b) Not less than four (4) combined equal volume effluent portions collected over a period of eight (8) hours at intervals proportional to flow;

(c) An effluent portion collected continuously over a period of twenty-four (24) hours at a rate proportional to the flow; or

(d) An effluent portion consisting of a minimum of four (4) combined equal volume grab samples taken approximately two (2) hours apart.

(3) "Arithmetic mean for thirty (30) consecutive days" means the average of a minimum of three (3) samples collected in separate calendar weeks during a period of thirty (30) consecutive days with a minimum of twenty (20) days occurring between the first and last sample days.

(4) "Arithmetic mean for seven (7) consecutive days" means the average of a minimum of two (2) samples taken on separate days in a seven (7) day period.

(5) The samples for determining values of biochemical oxygen demand and suspended solids shall be composite samples. The samples for determining the values of fecal coliform bacteria and pH shall be grab samples and taken at the applicable frequency as noted in subsections (3) and (4) of this section.

(6) "Day" means a twenty-four (24) hour period.

(7) "Cabinet" means the Natural Resources and Environmental Protection Cabinet.

Section 2. Applicability. [(1)] All [publicly owned] facilities discharging into waters of the Commonwealth which receive an influent which is biochemically degradable[,] shall provide a minimum of secondary treatment to that influent prior to its discharge. If other constituents are present, additional treatment may be required. Those facilities subject to best conventional pollutant control technology treatment requirements pursuant to 401 KAR 5:080, Section 1(2)(a)2b shall be exempt from this regulation.

[(2)] All other facilities discharging into waters of the Commonwealth which receive an influent which is biodegradable shall provide that degree of treatment prescribed in 401 KAR 5:035, Section 2, to that influent prior to its discharge. If other constituents are present, additional treatment may be required.]

Section 3. "Secondary treatment" is that degree [level] of treatment which results in an effluent quality which meets the following minimum requirements: [effluent quality attainable in terms of the parameters; biochemical oxygen demand, BOD, suspended solids, fecal coliform bacteria and pH.]

(1) Biochemical oxygen demand, five (5) day[s]:

(a) The arithmetic mean of the values for [BOD in] effluent samples collected during a period of thirty (30) consecutive days shall not exceed thirty (30) milligrams per liter.

(b) The arithmetic mean of the values for [BOD in] effluent samples collected during a period of seven (7) con-

secutive days shall not exceed forty-five (45) milligrams per liter.

[(c) The arithmetic mean of values for BOD in effluent samples collected during a period of thirty (30) consecutive days shall not exceed fifteen (15) percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.]

(2) Suspended solids. *These requirements shall be achieved except as provided for in subsection (3) of this section:*

(a) The arithmetic mean of the values for suspended solids in effluent samples collected during a period of thirty (30) consecutive days shall not exceed thirty (30) milligrams per liter.

(b) The arithmetic mean of the values for suspended solids in effluent samples collected during a period of seven (7) consecutive days shall not exceed forty-five (45) milligrams per liter.

[(c) The arithmetic mean of the values for suspended solids in effluent samples collected during a period of thirty (30) consecutive days shall not exceed fifteen (15) percent of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period.]

(3) *Suspended solids requirements for waste stabilization ponds which are employed as the sole process for secondary treatment and have a maximum facility design capacity of 2,000,000,000 gallons per day or less and where operation and maintenance data indicate that the requirements of subsection (2)(a) and (b) of this section cannot be achieved shall be equal to that which is achievable with best waste stabilization pond technology. Best waste stabilization pond technology is defined as the effluent concentration achieved ninety (90) percent of the time within the Commonwealth of Kentucky or appropriate contiguous geographical area by waste stabilization ponds that are achieving the levels of effluent quality established for biochemical oxygen demand in subsection (1) of this section. This suspended solids value will be determined by the cabinet.*

[(3) Fecal coliform bacteria.]

[(a) The geometric mean of the value for fecal coliform in effluent samples collected during a period of thirty (30) consecutive days shall not exceed 200 per 100 milliliters.]

[(b) the geometric mean of the values for fecal coliform in effluent samples collected during a period of seven (7) consecutive days shall not exceed 400 per 100 milliliters.]

[(4) pH. The effluent values for pH shall not be less than a pH of 6.0 nor greater than 9.0.]

*Section 4. Additional requirements for all facilities discharging into the waters of the Commonwealth which receive an influent which is biochemically degradable is that degree of treatment which results in an effluent quality which meets the following minimum requirements:*

*(1) Fecal coliform bacteria:*

*(a) The geometric mean of the value for fecal coliform bacteria in samples collected during a period of thirty (30) consecutive days shall not exceed 200 colonies per 100 milliliters.*

*(b) The geometric mean of the values for fecal coliform bacteria in samples collected during a period of seven (7) consecutive days shall not exceed 400 colonies per 100 milliliters.*

*(c) For operational purposes paragraphs (a) and (b) of this subsection need only be met during the recreational season of May 1 through October 31. In other months the*

*values stipulated in 401 KAR 5:031, Section 7(2)(a), shall be met:*

*(2) pH: The values for pH shall not be less than six (6) units nor more than nine (9) units.*

Section 5. [4.] Treatment in excess of that required under Section 2 of this regulation for influents which are biochemically degradable shall be required for a continuous facility discharge where:

(1) The cabinet [department] determines that the receiving waters will not satisfy applicable water quality standards as a result of a facility discharge or discharges from multiple facilities.

(2) The cabinet [department] determines that a facility lacks the sophistication of process to consistently produce the required effluent quality.

[(3) The department determines that the receiving waters will exceed four (4) milligrams per liter of ammonia nitrogen as a result of the facility's discharge.]

Section 6. [5.] (1) Any person responsible for an existing facility as described in Section 2 of this regulation which receives biochemically degradable influent [,] *shall 150 days prior to the expiration of the current permit [prior to January 1, 1977,] make application to the cabinet [department] for a permit to continue to discharge to the waters of the Commonwealth.*

(2) If the cabinet [division] determines, from available information or information requested from the applicant, that an existing facility does not or may not produce an effluent with parameter measurements equal to or less than that specified in Sections 3 and 4 of this regulation, it shall require the applicant to submit plans and specifications or other data showing how the facility will [shall] be brought into compliance.

(3) If the facility's effluent parameters are equal to or less than that required in Sections 3 and 4 of this regulation, an operating permit shall be issued to the applicant.

(4) If the facility's effluent does not satisfy the requirements of Sections 3 and 4 of this regulation, the cabinet [department] may issue the applicant a permit to upgrade the facility, *provided:*

(a) No such permit shall be issued unless the cabinet [department] has received and approved a compliance schedule to bring a facility into compliance at the earliest possible date.

(b) A compliance schedule shall contain a commitment from the applicant to achieve increments of progress to be completed on *specified* [certain] dates.

(c) At a minimum, the increments shall include a date for submitting any additional plans and specifications required for construction, a date for commencement of construction and a date for completion of construction.

(d) Upon request from the cabinet [department], the applicant shall provide the cabinet [department] with periodic reports regarding progress towards compliance schedule increments.

(5) Failure to meet the dates set forth in a compliance schedule shall constitute a violation of KRS 224.060 unless an alternate date has been negotiated by the person responsible for a facility and has been approved in writing by the cabinet [division].

JACKIE SWIGART, Secretary

ADOPTED: December 12, 1983

RECEIVED BY LRC: December 12, 1983 at 3 p.m.

# Proposed Amendments

## FINANCE AND ADMINISTRATION CABINET Kentucky Board of Pharmacy (Proposed Amendment)

**201 KAR 2:090. Reference material and prescription equipment.**

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 13.082, 315.035(6), 315.191(1) [(2)]

**NECESSITY AND FUNCTION:** This regulation specifies the minimum reference material and prescription equipment, supplies, and instruments to provide the usual and necessary professional services.

Section 1. The following shall be deemed as minimum reference material required of a pharmacy:

### Category I—Pharmacology

*Goodman & Gilman Pharmacological Basis of Therapeutics*  
*Pharmacology & Drug Therapy—Rodman, Smith*  
*Cutting's Handbook of Pharmacology*  
*Introductory Clinical Pharmacology*  
*Merck Manual*

### Category II—Drug Interactions

*Drug Interactions—Cohen & Armstrong*  
*Drug Interactions—Phillip D. Hansten*  
*Drug Interactions—Ed Hartshorn*  
*Evaluation of Drug Interactions—American Pharmaceutical Association*  
*Facts and Comparison*  
*Pharm Index*  
*Remington's Pharmaceutical Sciences*  
*Hazards of Medication*  
*USP Dispensing Information*

### Category III—Drug Product Composition

*Facts and Comparisons*  
*Physicians Desk Reference*  
*American Drug Index*  
*Pharm Index*  
*USP Dispensing Information*

### Category IV—Laws and Regulations

*Copies of summaries of Federal and State Laws governing the practice of Pharmacy*

*Any books not on the above list should be referred to the Board for its approval.*

*A minimum of one current text per category is required.*

[(1) The recent edition and supplement to *The United States Pharmacopoeia*.\*]

[(2) The recent edition and supplements to *The National Formulary*.\*]

[(3) An up-to-date reference work on recent prescription drugs.]

[(4) Copies or summaries of federal, state, and local laws governing the practice of pharmacy.]

[\* The board will accept the recent edition of "*Remington's Pharmaceutical Sciences*" or the recent edition of "*United States Dispensatory*" in lieu of subsections (1) and (2).]

Section 2. The following shall be deemed as minimum equipment required of a pharmacy:

(1) Prescription Class A Balance.

(2) Weights—metric or apothecary—complete set.

(3) Graduates capable of accurately measuring from 1 ml to 250 ml.

(4) Mortars and pestles—glass, porcelain, or wedgewood.

(5) Spatulas—steel and non-metallic.

(6) Filtration funnel with filter papers.

(7) A heating unit.

(8) Suitable refrigeration unit for proper storage of drugs.

(9) Ointment slab or ointment papers.

[(10) Exempt Narcotic Register.]

[(11) Poison Register.]

[(12) Hypodermic needles and syringe register.]

All equipment shall be maintained in a clean condition.

Section 3. The pharmacy shall have such other reference and equipment as dictated by experience to meet the needs of the particular pharmacy and necessary to compound and dispense in the required safe custom.

Section 4. A pharmacy may be granted an exemption to required reference material and prescription equipment upon petition to the board.

Section 5. [3.] The prescription counter upon which prescriptions are *dispensed* [compounded] shall be used for the prime purpose of *dispensing* [compounding] prescriptions. All pharmacies shall comply with all sanitation laws and regulations.

[Section 4. The pharmacy shall have such other references and equipment as dictated by experience to meet the needs of the particular pharmacy.]

J. H. VOIGE, Executive Secretary

ADOPTED: December 7, 1983

RECEIVED BY LRC: December 14, 1983 at 12 noon.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Secretary, Kentucky Board of Pharmacy,  
1228 U.S. 127 South, Frankfort, Kentucky 40601.

## FINANCE AND ADMINISTRATION CABINET Kentucky Board of Pharmacy (Proposed Amendment)

**201 KAR 2:145. Drug products with potential bioequivalence issues.**

RELATES TO: KRS Chapter 217

PURSUANT TO: KRS 13.082, 217.814(7),(8), 217.819(1)

**NECESSITY AND FUNCTION:** KRS 217.819 directs the Kentucky Board of Pharmacy to prepare a non-equivalent drug product formulary of drugs which should not be interchanged by pharmacists. In conformance with the publication cited "*Approved Prescription Drug Products with Therapeutic Equivalence Evaluations*," this

regulation lists drug products with active ingredients and/or dosage forms with potential bioequivalence issues.

Section 1. The following are determined to be non-interchangeable:

Drug products with active ingredient and/or dosage forms with potential bioequivalence issues.

Alseroxylin—oral; tablet  
 Amitriptyline hydrochloride; perphenazine—oral; tablet  
 Benzthiazide—oral; tablet  
 Chlorothiazide; reserpine—oral; tablet  
 Chlorpromazine hydrochloride—oral; tablet  
 Colchicine; probenecid—oral; tablet  
 Cortisone acetate—oral; tablet  
 Cyclothiazide—oral; tablet  
 Dapsone—oral; tablet  
 Dichlorphenamide—oral; tablet  
 Diethylstilbestrol—oral; tablet  
*Digitalis glycosides*—oral; tablet; capsule  
 Dydrogesterone—oral; tablet  
 Dyphylline—oral; tablet  
 Ethinyl estradiol—oral; tablet  
 Ethoxzolamide—oral; tablet  
 Fluoxymesterone—oral; tablet  
 Fluphenazine hydrochloride—oral; tablet  
 Hydralazine hydrochloride hydrochlorothiazide—oral; tablet  
 Hydralazine HCl Hydrochlorothiazide; reserpine—oral; tablet  
 Hydralazine HCl; reserpine—oral; tablet  
 Hydrochlorothiazide; reserpine—oral; tablet  
 Hydrocortisone—oral; tablet  
 Liothyronine sodium—oral; tablet  
 Mazindol—oral; tablet  
 Medroxyprogesterone acetate—oral; tablet  
 [Methyclothiazide—oral; tablet]  
 Methylprednisolone—oral; tablet  
 Methyltestosterone—oral; tablet; capsule; buccal/sublingual tablets  
 Nortriptyline hydrochloride—oral; capsule  
 Promethazine hydrochloride—oral; tablet  
 Rauwolfia serpentina—oral; tablet  
 Reserpine—oral; tablet  
 Reserpine; trichlormethiazide—oral; tablet  
 [Sulfasalazine—oral; tablet]  
 Terbutaline sulfate—oral; tablet  
 Testosterone—implantation; pellet  
 Thyroglobulin—oral; tablet  
 Triamcinolone—oral; tablet  
 Trichlormethiazide—oral; tablet

All injectable suspensions containing an active ingredient suspended in an aqueous or oleaginous vehicle.

Approved drug products that FDA considers to be therapeutically equivalent to other pharmaceutically equivalent products with no potential bioequivalence issues are exempted from this regulation.

JOHN H. VOIGE, Executive Director

ADOPTED: December 7, 1983

RECEIVED BY LRC: December 14, 1983 at 12 noon.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Board of Pharmacy,  
 1228 U.S. 127 South, Frankfort, Kentucky 40601.

# FINANCE AND ADMINISTRATION CABINET Kentucky State Board of Medical Licensure (Proposed Amendment)

201 KAR 9:020. Licensing qualifications; approved schools.

RELATES TO: KRS 311.530 to 311.620, 311.990

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to assure uniformity of requirements to all applicants for regular licenses to practice medicine or osteopathy in Kentucky.

Section 1. Qualifications for Regular Medical and Osteopathic Licenses. No person shall be entitled to a regular license unless he meets all requirements specified in KRS 311.570(1) and has successfully passed a written examination prescribed by the board; provided, however, that regular licenses may be issued by endorsement as otherwise provided by regulation of the board without written examination. Provided, further, that graduates of medical schools situated outside the United States or Canada shall have successfully completed at least one (1) year of internship or postgraduate training in a hospital or institution located in the United States or Canada and approved by the board. The one (1) year of internship or postgraduate training must be in a program consisting of *clinical experience in the areas of internal medicine, family practice, surgery, obstetrics/gynecology or emergency medicine, or in a program constituting a transitional, rotating or flexible internship, provided however, that the board will consider this requirement fulfilled upon proof that the applicant is certified by an approved American specialty board or has fully and successfully completed an approved postgraduate training program of at least three (3) years duration in a recognized medical or osteopathic specialty.* [, at a minimum, of clinical experience in the areas of internal medicine, family practice, obstetrics/gynecology and emergency medicine or in a similar program approved by the board.] Provided, however, that the board may exempt an applicant who [that] has completed a program of postgraduate training outside the United States or Canada which is at least equivalent to that required by this regulation. In addition, all foreign medical graduates must be fully certified by the Educational Commission for Foreign Medical Graduates (ECFMG) or by a recognized medical or osteopathic specialty board.

Section 2. Medical and Osteopathic Schools in the United States and Canada Approved by the Board. (1) All medical schools, colleges and universities located in the United States approved by the Liaison Committee on Medical Education (LCME) are approved by the board in connection with the issuance of regular licenses to practice medicine in Kentucky.

(2) All medical schools, colleges and universities located in Canada and approved by the Canadian Medical Association are approved by the board in connection with the issuance of regular licenses to practice medicine in Kentucky.

(3) All osteopathic schools and colleges located in the United States and approved by the American Osteopathic Association are approved by the board in connection with the issuance of osteopathic licenses in Kentucky.

Section 3. Medical Schools Outside the United States or Canada. Unless otherwise provided by regulation, all graduates of medical or osteopathic schools located outside the United States shall be eligible for licensure only upon a finding of the board that the medical or osteopathic school which they attended possesses standards and educational requirements at least equal to the minimum required for approval of medical and osteopathic schools located within the United States by their respective accrediting bodies. The board shall maintain a list of medical and osteopathic schools located outside the United States which the board has found to meet this criteria. In the event an applicant's school does not appear on this list, the applicant or his agent shall be given the opportunity to document to the board's satisfaction that his school meets the criteria set forth.

Section 4. Medical and Osteopathic Programs Approved for Internship and Postgraduate Training. (1) All internship and postgraduate programs in hospitals and institutions located in the United States approved by the Accreditation Council for Graduate Medical Education (ACGME) are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.

(2) All internships and postgraduate programs in hospitals and institutions located in Canada and approved by the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.

(3) All internships and postgraduate programs in hospitals and institutions located in the United States and Canada and approved by the American Osteopathic Association are hereby approved by the board in connection with the issuance of a license to practice osteopathy in Kentucky.

(4) The equivalency of all other programs in hospitals and institutions may be considered for approval by the board in connection with the issuance of a regular license on an individual basis.

(5) Nothing in this section shall be construed to limit the requirements for licensure established for graduates of medical schools situated outside the United States or Canada established in Section 1 of this regulation.

Section 5. Personal Interview. If the board so directs, an applicant shall personally appear before the secretary or assistant secretary of the board, or some person designated by the secretary or assistant secretary, for a personal interview to establish his identity and qualifications.

Section 6. Endorsement. "Endorsement" means a written and signed certification by the duly authorized officer or representative of the official statutory medical or osteopathic examining board of some other state of the United States, or by the National Board of Medical Examiners, or by the National Board of Examiners for Osteopathic Physicians and Surgeons, or any approved successors thereof, or by any analogous provincial examining board or national organization located in Canada, that a certain person is a licentiate, in good standing, of said

board, and that the person was required to and did, as a condition precedent to such licensure, satisfactorily pass a comprehensive written examination conducted by said board. Endorsement may be accepted by the board in lieu of further written examination in Kentucky, but shall not be in lieu of standards and qualifications prescribed by KRS 311.570(1) and the regulations of the board. The secretary or assistant secretary of the board shall prepare, or cause to be prepared, all forms desirable and appropriate for licensure by endorsement, including applications, questionnaires, certificates, and licenses. The secretary or assistant secretary is authorized to require the submission of photographs, fingerprints, personal history data, and grades of his licensure examining board in connection therewith.

C. WILLIAM SCHMIDT, Assistant Secretary

ADOPTED: June 1, 1983

RECEIVED BY LRC: November 23, 1983 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

#### GENERAL GOVERNMENT OPERATIONS Kentucky Board of Barbering (Proposed Amendment)

201 KAR 14:015. Retaking of [apprentice] examination.

RELATES TO: KRS 317.420, 317.450

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: This regulation is to assure the examinee the opportunity of retaking the examination.

Section 1. Any applicant failing the apprentice examinations *two (2) consecutive times shall be required to return to school for eighty (80) additional hours of training prior to being accepted for the third time. Each unsuccessful attempt thereafter will require eighty (80) additional hours of training.* [and any applicant for a regular barbering teacher may retake the examination three (3) times within a twelve (12) month period without paying an additional examination fee.]

Section 2. *An examination fee will be required for each examination.*

Section 3. *Any barber failing the instructor examination would not be permitted to return for ninety (90) days.*

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Gene Record, Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:030. Five-year expiration of license.**

RELATES TO: KRS 317.410, 317.450

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: This regulation gives an opportunity to barbers whose license has been expired over five (5) years to become relicensed.

Section 1. When a license has been expired for more than five (5) years, the following is required:

(1) A barber must pass both the practical and science examination.

(2) An apprentice barber must complete 150 additional hours in training in an accredited school of barbering, and pass the practical and science examinations *to be issued an apprentice license*.

(3) A teacher must pass both practical and science examinations as prescribed by the board.

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Gene Record, Kentucky Board of Barbering, 400  
 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:040. Inspection of shops and schools.**

RELATES TO: KRS 317.440, 317.450

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: This regulation gives the board and their employees the right to inspect and correct any barber shop[s] and school[s]. *It [and] sets up rules and regulations for displaying licenses and pictures of [the] personnel of the barber shop[s]. It also provides for the board to provide the public with a number to contact for a complaint.*

Section 1. Any board member or any of its authorized agents, shall be privileged to enter and inspect any barber shop or manicuring establishment located therein, or any barber college, at any reasonable hour for the purpose of determining whether the operators are complying with the laws and regulations of the board.

Section 2. The license and picture of all barbers engaged in the practice of barbering, along with the barber shop license and inspection sheets, shall be displayed conspicuously so *the public could easily examine the credentials and inspections of the establishment* [as to aid the inspector in making thorough inspections of the personnel of the shop and in determining the validity of each license].

Section 3. *Every barber shop shall display a card furnished by the board that has the telephone number and ad-*

*dress of the barber board so the consumer would know who to contact in case of a complaint.*

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Gene Record, Kentucky Board of Barbering, 400  
 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:050. Apprentice's license; qualifications.**

RELATES TO: KRS 317.450(2), 317.540(1)(a)

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: Educational qualifications of an apprentice[s] and conditions for a cosmetologist to become licensed as a barber.

Section 1. Applicants for a license as an apprentice barber *who do not have proof of completing four (4) years of high school shall show results of a G.E.D. test with a score of forty-five percent (45%) or better* [must show proof of having completed four (4) years of high school by presenting a transcript of grades and attendance, or show results of a G.E.D. test with a result of forty-five (45) percent or better].

Section 2. *Any person holding a Kentucky cosmetology license will be given credit for 750 hours toward obtaining a Kentucky barber license.* [Applicant must have completed at least 1,500 hours of instruction in an approved school of barbering and be a graduate of such school.]

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Gene Record, Kentucky Board of Barbering, 400  
 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:060. Licensing requirements for qualified non-residents.**

RELATES TO: KRS 317.450

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: Licensing requirements for qualified non-residents, regular and apprentice.

Section 1. Any person who is at least eighteen (18) years of age and of good moral character and temperate habits, who has a current license or certificate of registration as a

practicing barber of another state or *other board recognizing authority* [country], which has substantially the same requirements for licensing or registering barbers as are required of KRS Chapter 317 and the various regulations adopted pursuant thereto, shall upon payment of the required fee be granted permission to take an examination to determine his fitness to receive a license to practice barbering.

Section 2. For an applicant coming from a state or *other board recognizing authority* [country] without substantially the same requirements, they shall have been a registered barber and worked for three (3) years.

Section 3. Any apprentice who is at least sixteen and one-half (16½) years of age and of good moral character and temperate habits and has a current license or a certificate of registration as an apprentice in a state or *other board recognizing authority* [country] which has substantially the same requirements for licensing an apprentice as is provided in KRS Chapter 317 and the various regulations adopted pursuant thereto, shall upon payment of the required fee be granted permission to take an examination to determine his fitness to receive a license as an apprentice.

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Gene Record, Kentucky Board of Barbering, 400  
Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:065. *Place of business requirements.***  
**[Practice must be in licensed shop or school.]**

RELATES TO: KRS 317.440, 317.450

PURSUANT TO: KRS 317.410, 317.410, 317.440

NECESSITY AND FUNCTION: Licensed places of business, and to practice or teach in a licensed shop or school.

Section 1. Every licensed apprentice, *every licensed* [regular] barber, and *every licensed instructor* [teacher] of barbering regulated by this chapter, shall practice in a licensed barber shop or *licensed* barber school.

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Gene Record, Kentucky Board of Barbering, 400  
Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:067. *Shop in residence; requirements.***

RELATES TO: KRS 317.440, 317.450

PURSUANT TO: KRS 317.410, 317.410, 317.440

NECESSITY AND FUNCTION: Outside entrance [; lavatory].

Section 1. Any *licensed* barber shop located in a residence shall have an outside entrance [and use a lavatory not used for residential purposes].

GENE RECORD, Administrator

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SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Gene Record, Kentucky Board of Barbering, 400  
Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:070. *Shop license applications.***

RELATES TO: KRS 317.450(3)

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: Application for shop licenses.

Section 1. All new barber shops and all barber shops moving to new locations shall comply with *all* city, [and] county *and state health* [zoning] regulations and must include a signature from the state plumbing inspector on *an* [the] application supplied by the barber board.

Section 2. Barber shop licenses are not transferable from one (1) location to another or one (1) person to another. A new license must be purchased at *the* [this] time of *transfer or relocation*.

[Section 3. Barber shops must be managed by a regular licensed barber.]

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**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:080. Number of apprentices per shop.**

RELATES TO: KRS 317.440(1)(c), 317.450(1)(c)

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: Regulates [the] number of apprentices in [a] shop.

Section 1. The number of licensed apprentice barbers practicing in a shop shall be as follows: *Two (2) apprentices per one (1) regular licensed barber; three (3) apprentices per two (2) regular licensed barbers; four (4) apprentices per three (3) regular licensed barbers, etc.* [not exceed the number of licensed barbers practicing therein at the same time.]

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**GENERAL GOVERNMENT OPERATIONS**  
**Kentucky Board of Barbering**  
**(Proposed Amendment)**

**201 KAR 14:085. Sanitation requirements.**

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.410, 317.440

NECESSITY AND FUNCTION: Sanitation requirements.

Section 1. Any barber, apprentice barber, student barber, manicurist or instructor of barbering suffering from any *contagious* [of the following] diseases or conditions shall not be allowed to practice in this state. [viz: Tuberculosis, influenza, coryza, gonorrhea, syphilis, smallpox, chickenpox, measles, whooping cough, scarlet fever, septic sore throat, scabies, pediculosis, leprosy, pemphigus, favus, tinea infections, or other diseases capable of being communicated from person to person.] No person suffering from a *contagious disease or condition* [any of the above conditions or diseases] shall be rendered service by any barber, apprentice barber, student barber, manicurist, or instructor of barbering in the state.

Section 2. All barber shops or barber schools, together with all furniture, equipment, tools, utensils, floors, walls, ceilings, restrooms, supply rooms, adjoining rooms and manicuring instruments shall at all times be kept in a clean and sanitary condition.

Section 3. Each operator engaged in scalp work of any kind must have at least six (6) combs at his or her disposal and more are recommended. Each work stand shall have a bottle of alcohol (ethyl alcohol-70%) and cotton on same for the purpose of cleaning scissors, razors, clippers, and all instruments before and after being used on a customer. [All strops shall be cleaned with soap and water as frequently as is necessary to keep them clean. Any article dropped on the floor shall be disinfected before being used again. The wiping of instruments upon any linens being used on a patron is not permitted.]

Section 4. Water must be supplied by city system and where there is no city water system there must be two (2) gravity tanks installed for both hot and cold water, piped in and connected with the wash basin. All water supply and waste connections shall be constructed in conformity with the state and city plumbing codes.]

Section 5. Cuspidors shall be cleaned and thoroughly disinfected each day, and a disinfectant solution left in them at all times. A disinfecting solution for cuspidors should be made as follows: liquor cresolis compositis or its equivalent, two (2) percent solution. At least five (5) ounces of this disinfecting solution must be left in each cuspidor after cleaning.]

Section 4. [6.] Any barber, manicurist, student, or instructor shall wash his or her hands in soap and water before beginning work on any and each patron or person.

Section 5. [7.] At least one (1) covered [metal] waste receptacle for every two (2) chairs must be provided in each barber shop or barber school for the deposit of soiled towels. An additional [metal] waste receptacle for each two (2) chairs must be provided for deposit of used paper products [tissues and shaving papers].

[Section 8. Shaving mugs and brushes shall be thoroughly washed and disinfected with hot water, the temperature of which shall not be less than 200 degrees Fahrenheit before each patron is served. Shampoo boards and bowls must be washed and disinfected after serving each patron.]

Section 6. [9.] (1) Towels shall not be used for more than one (1) operation. Towels not sent to a steam laundry must be boiled in water [, dried and ironed]. Laundry work in shop or school is prohibited in the room where barber service is rendered. Drying of towels or linens on lines or radiators in schools or shops is prohibited. [Steamers (dipping used towels into a hot water receptacle and using same on patrons) are prohibited.]

(2) The head rest of each chair must be provided with a clean towel or sheet of clean paper for each patron.

(3) A strip of cotton, towel or paper must be placed around the patron's neck so that the chair cloth does not come in contact with the skin of the neck. Such papers, towel or cloth must be discarded after use on a patron.

[Section 10. All bathrooms, toilets, and other adjoining rooms shall be kept clean and in a sanitary condition. Bathtubs and shower floors shall be thoroughly washed and disinfected after each patron's or person's use. Individual soap and clean towels shall be provided for use of the patrons.]

Section 7. [11.] The use [in common] of powder puffs, sponges, lump alum and styptic pencils is prohibited [, but powder or liquid alum and styptic is permitted when used from shakers, containers or bottles by means of individual applicators which are to be discarded after each use].

Section 8. [12.] Razors, scissors, tweezers, combs, rubber discs and parts of vibrators and all other utensils, ap-

pliances or anything that comes in contact with the head, face, neck or hands, must be washed with hot water and soap and disinfected, and then placed in a dry sterilizer until again used. Only such methods of disinfection as are bacteriologically effective and approved by the Secretary of the [Department for] Human Resources Cabinet shall be permitted. The secretary has approved the following methods of disinfection:

(1) Dry disinfection:

(a) Formaldehyde gas has a place in disinfecting valuable articles, but it has no penetrating power and is limited in its action to the surface. Further it requires a temperature of sixty-five (65) degrees Fahrenheit or over and a humidity of at least sixty (60) percent to be effective. Exposure of at least six (6) to twelve (12) hours in a small type cabinet to strong concentration of the gas is necessary to achieve surface disinfection. Formaldehyde gas cannot be depended upon to accomplish more than surface disinfection under optimistic conditions.

(b) Dry heat and temperature of 338 degrees Fahrenheit continued for one (1) hour will destroy all form of bacterial life. It is easy to maintain this temperature in an appliance of special construction known as a hot air or dry wall sterilizer. The ordinary household cooking oven is as good as any special contrived appliance for the disinfection of small articles by dry heat. In the absence of a thermometer, it is usual to heat the oven to a point necessary to brown cotton and expose the object for at least one (1) hour to this heat.

(2) Liquid disinfection:

(a) Carbolic acid and phenol are useful disinfectants in five (5) percent solutions (7 ounces to 1 gallon of water) with exposure for one-half (½) hour. They are effective against all ordinary harmful bacteria.

(b) Sodium Hypochlorite solutions made up from commercial preparations and containing 200 ppm of chlorine are effective for the surface disinfection of equipment which has been thoroughly cleaned. Contact with the solution should not be for less than two (2) minutes.

(c) A ten (10) percent solution of Formalin is satisfactory for disinfection of all equipment. Formalin does not attack copper, nickel, zinc, or other metal substances.

(d) A seventy (70) percent solution of alcohol is an effective disinfectant for cleaning equipment.

(e) Instruments are to be disinfected by boiling water and should be boiled at least fifteen (15) minutes. (One (1) percent alkaline substance, such as carbonate of soda, will prevent rusting or injury to the cutting edge of bright steel instruments.)

(f) Steam sterilization at fifteen (15) pounds pressure at 248 degrees Fahrenheit for thirty (30) minutes is an effective means of sterilization. Steaming steam has the same disinfecting power as boiling water and exposure for one-half (½) hour to steaming steam is sufficient for most purposes.

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Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

GENERAL GOVERNMENT OPERATIONS  
Kentucky Board of Barbering  
(Proposed Amendment)

201 KAR 14:090. School curriculum.

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: Sets up curriculum for barber schools and establishes the number of hours in each subject.

Section 1. Students shall be given instructions concerning the matters outlined in [the following] Sections 2 through 18 of this regulation.

Section 2. Instruments—30 hours:

(1) Razors.

[(a) Explain the eight (8) important points about a razor.]

[(b) Explain the widths, lengths, grinds, finish and temper of razors.]

[(c) Advise as to the different makes of razors.]

(2) Shears.

[(a) Explain different parts and sizes of the shear.]

[(b) Explain different grinds.]

[(c) Advise as to the different makes of shears.]

(3) Clippers.

[(a) Explain different parts of the clipper.]

[(b) Explain different makes of clippers, electric and hand.]

(4) Hones and stropps. [Explain different types of hones and stropps.]

(5) Combs, [and] brushes, *hair dryers and curling irons*. [Explain different types of brushes and combs, and their proper care for cleanliness.]

[Section 3. Honing and stropping; explain: (1) Proper method of honing.]

[(2) Different types of hones used.]

[(3) Difference between wet and dry hones.]

[(4) How to prevent corrosion of razors.]

[(5) Proper method of stropping razor.]

[(6) How to care for razor stropps.]

[(7) Method of testing razor after honing and after stropping.]

Section 3. [4.] Shaving instructions—100 hours: [Explain the following to the students: (1) Reason for washing hands.]

[(2) How to prepare a patron for the shave.]

[(1) [(3)] Purpose of lather.

[(4) How to mix a good smooth lather.]

[(2) [(5)] How to apply lather properly to the face.

[(6) How to rub lather on the face.]

[(3) [(7)] How to sterilize razor before shaving.

[(8) How to apply steam towel.]

[(4) [(9)] How to stretch the skin while shaving.

[(5) [(10)] Proper method for wiping the razor [on lather paper (do not use towel for lather receptors)].

[(6) [(11)] How to shave a patron once over.

[(7) [(12)] How to shave a patron second time over.

[(8) [(13)] Method of removing soap and cleaning face with hot towels after shaving.

[(9) [(14)] How to apply [Method of applying] various after shave [-shaving] creams and lotions.

[(15) How to prepare an evenly-heated steam towel.]

[(16) How to suggest a facial after shaving.]

(10) [(17)] How to trim a mustache.

[(18)] How to finish patron after shave.]

[(11) [(19)] In addition to the above itemized lessons on shaving, demonstrations and lectures should be given to show the various positions in which the razor should be held in shaving all parts of the face while standing only on one side of the barber chair. Each stroke should be thoroughly explained and great care should be taken by the instructor to see that the student holds and handles his razor so that he will have professional technique when performing the various shaving strokes. Special instructions should be given pertaining to personal hygiene, the necessity of using clean linens and the sterilizing of all instruments used on the patron. He should be advised to give attention to the comfort of his customers at all times while in the chair. Lessons should be given as to different textures of beards and the direction of the grain.

Section 4. [5.] Haircutting for men, women and children—935 hours. [: Explain: (1) Reason for washing hands.]

(1) [(2)] How to apply hair cloth, towel and neck strip.

[(3)] Proper method of handling comb and brush.]

(2) [(4)] How and why to comb hair before cutting.

[(5)] How to operate clippers on the side of the head and back of neck.]

[(6)] Method of holding shears and comb.]

(3) [(7)] Method of tapering hair.

(4) [(8)] Method of thinning hair [with shear and comb].

(5) [(9)] Method of finger work.

(6) [(10)] Method of cutting hair on top of head.

(7) [(11)] Method of cutting hair with a razor.

(8) [(12)] How to use a neck duster or tissue.

[(13)] Method of removing hair cloth.]

(9) [(14)] Method of shaving sides and neck after removing hair cloth.

(10) [(15)] Method of combing, drying and dressing the hair.

[(16)] How to suggest a shampoo and hair tonic application.]

[(11) [(17)] In addition to the above lessons the student should have a full explanation of various methods of hair-cutting and hairstyling [: short cut, medium cut, long cut or trim, short pompadour, medium and long pompadour, haircut when hair is parted on the side or in the middle].

[(18)] Also explain how to give a short scalp manipulation after haircut.]

[(19)] Lessons should be given in ladies' haircutting and hairstyling.]

[(20)] Students should be given instructions on various shapes of patrons' heads.]

[(21)] Give suggestions as to how the proper contour can be brought out through the medium of a haircut, in order that the patron may look well groomed.]

Section 5. [6.] Shampooing. [s and Hair Tonics. Explain:] (1) Purpose and how to give a proper shampoo [of shampooing].

(2) How to prepare [a] customer for [the] shampoo.

(3) Different materials [and movements] to be used.

(4) Difference in various kinds of shampoo[s].

[(5)] Use of vibrator in connection with the shampoo.]

[(6)] Use of soapless shampoo.]

[(7)] How to steam scalp.]

[(8)] Proper temperature of water in rinsing.]

[(9)] Explain the necessity of preventing the soap from running into the eyes and ears and down the face of the patron.]

[(10)] The instructor, in addition to the above, should explain the necessity of using good materials in shampooing, and not to give too hard manipulations; also, never to give a shampoo unless it is done thoroughly.]

[(11)] Explain standard hair tonics, hair dyes and proper method of their application.]

[(12)] Explain proper hair techniques, hair dyes, hair straightening, permanent waving and other preparations.]

Section 6. Permanent waving—40 hours.

(1) Explain chemical and physical actions in permanent waving.

(2) Necessity of scalp and hair analysis.

(3) Basic requirements, blocking sections, curling rods and processing time.

(4) Safety and protection for patrons.

Section 7. Hair coloring—40 hours.

(1) Safety measures.

(2) Chemicals involved.

(3) How to apply.

Section 8. Hair straightening and relaxing—40 hours.

(1) Patron protection.

(2) Hair and scalp analysis.

(3) Methods of applications.

Section 9. [7.] Massaging—35 hours. [: Explain:] (1) Theory and different types of massaging [of massage].

[(2)] Reason for massage.]

[(3)] Different types of massage.]

[(4)] Reason for scientific facial.]

[(5)] Movements in scientific rest facial.]

(2) [(6)] Application, [and] demonstration of various creams and lotions in facial.

(3) [(7)] Effect [of] light therapy on tissues.

(4) [(8)] Results produced by massage on the skin, muscles, cells, glands, and circulation.

[(9)] Various packs, giving demonstration.]

(5) [(10)] When, and when not, to recommend massage.

[(11)] Acne and its treatment.]

(6) [(12)] All modern, electrical [and mechanical] equipment used in barber shops [,] with demonstrations.

Section 10. [8.] Scalp and Skin Diseases—20 hours. [: (1) The effect of the scalp treatment.]

[(2)] The need of the scalp treatment.]

(1) [(3)] Various kinds of scalp treatment.

(2) [(4)] When to suggest that patron consult a physician.

(3) [(5)] The danger of giving a scalp treatment to a scalp afflicted with an unknown disease.

[(6)] Give a demonstration, explaining the electrical equipment used in a scalp treatment (massage machines, high frequency and light therapy.)]

(4) [(7)] Explain causes of dandruff and treatment of same.

(5) [(8)] Give causes of dry and oily scalps and treatment.

(6) [(9)] Explain various forms of alopecia and treatment.

(7) [(10)] Explain causes of seborrhea, acne, psoriasis, impetigo and eczema in their various forms.

(8) [(11)] Explain advisability of cooperating with physician in treating scalp in barber shop.

Section 11. [9.] Physiology and anatomy of the head,

face and neck—100 hours. [: Explain: (1) Meaning of anatomy.]

[(2) Structure of the head or cranium.]

[(3) Blood circulation.]

[(4) Give description of cell life; also of muscles, nerves and bones of the head, face and neck, and their functions, together with their locations.]

(1) [(5)] Give descriptions of skin, hair, glands, and their various functions.

(2) [(6)] Shedding and regrowth of hair, [.]

[(7)] sebaceous glands and their functions.

(3) [(8)] Sweat glands and their functions.

(4) [(9)] Hair follicle, hair bulb and papilla.

(5) [(10)] Sympathetic and cerebrospinal nervous system.

(6) [(11)] Blood supply to the face and scalp.

[(12) Definition and structure of the various types of hair.]

(7) [(13)] Preservation and beautification of the hair and skin.

[(14) Composition of the hair and skin.]

(8) [(15)] Microscopic studies of the hair.

[Section 10. Physiology: (1) Explanation of the digestive system.]

[(2) Explanation as to the effects of diet on hair and skin.]

[(3) Explanation of benefits of relaxation in aiding digestion.]

(9) [(4)] Benefits derived from relaxation from fatigue while in barber chair.

Section 12. [11.] Sterilization and Sanitation—40 hours. [: Explain:] (1) Definition of sterilization, disinfectants, [and] antiseptics and their uses.

(2) Chemicals to be used in sterilization.

(3) Methods of sterilization.

(4) Difference between contagion and infection.

(5) Taking precautions to prevent infection.

[(6) Antiseptics and their strength for barber use.]

[(7) Sanitation and list of commonly used disinfectants.]

(6) [(8)] Importance of sterilization of all instruments used in the barber shop.

Section 13. [12.] Hygiene—10 hours. [: Explain:] (1) Theory and importance of personal hygiene.

[(2) Personal hygiene.]

[(3) Importance of hygiene.]

(2) [(4)] Hygiene as it applies to [in] the practice of barbering.

Section 14. [13.] Bacteriology—20 hours. [: Explain:] (1) Discovery of existence of bacteria.

(2) Production, growth and destruction of bacteria.

(3) Necessity of elementary knowledge of bacteria.

(4) Possibility of barber shop infection.

(5) Various agents that may carry bacteria in barber shop service.

(6) Difference in bacteria that is helpful and needed and that which is harmful.

(7) Advise absolute cleanliness and sanitation in all practices of barbering because of harmful bacteria.

Section 15. [14.] Electricity—10 hours. [: Explain:] Various electrical equipment and appliances that can be used in barber science treatments.

Section 16. [15.] Pharmacology—20 hours. [: Explain:]

The value of medicinal and non-medicinal ingredients found in barber shop preparations, hair dyes, face lotions, shampoos, permanents, tints, bleaches and specially prepared face and scalp remedies designated for local action only.

Section 17. [16.] Psychology—10 hours. [: Explain:] (1) Necessity of organization.

(2) High ideals in the barber business.

[(3) Determination to be a leader in the business.]

(3) [(4)] Emphasize development of personality and skill to inspire [more] confidence in the public.

Section 18. [17.] History, Professional Ethics and Other Information. [: Explain:] (1) History of the barber profession.

[(2) History of barber legislation.]

(2) [(3)] Importance of barbering and its relation to civilization.

[(4) Ancient and modern instruments used by barbers in various countries.]

(3) [(5)] Give lectures on [conduct and] business management, [.]

[(6) Proper attitude toward tipping.]

[(7)] bookkeeping, [as pertains to barbering.]

[(8)] shop management, and [.]

[(9)] advertising.

[(10) Professional ethics.]

Section 19. [18.] (1) All students shall receive not less than 1,500 hours in practice work and scientific lectures.

(2) All students must be given a complete course in barbering as provided for in curriculum.

(3) All students shall receive not less than two (2) [one (1)] hours of lectures and demonstrations each day with the exception of Saturday.

(4) One (1) hour per week should be devoted to the teaching and explanation of the Kentucky Barber Law.

Section 20. [19.] (1) An efficient microscope must be part of the school's equipment. With it the structure of the hair and scalp may be brought out and studied. Such an instrument contributes greatly to the interest and educational features of the curriculum.

(2) There shall be a reference library including a medical dictionary, books on anatomy and physiology and other books dealing with the functions of the human body [included in the school library] which are applicable to the proper practice of the barber profession.

[Section 20. Suggested books for library reference: "Gould's Medical Dictionary," published by P. Blakiston's Son's and Co., 1021 Walnut Street, Philadelphia, Pennsylvania; "Gray's Anatomy" (Revised), Published by Lea & Febiger; "The Art & Science of Barbering," 3rd Edition, L. Sherman Trusty, M.A.; "Textbook of Anatomy and Physiology," Kimber and Gray, published by the MacMillan Co., 60 5th Street, New York, N.Y.; or "Morris Jackson on Anatomy." A copy of these textbooks and reference books should be available in the school library.]

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## GENERAL GOVERNMENT OPERATIONS

Kentucky Board of Barbering  
(Proposed Amendment)

201 KAR 14:105. Student application; medical certificate.

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.410, 317.440

NECESSITY AND FUNCTION: School student application; [and] medical certificate. *This also establishes provisions for a brush-up course.*

Section 1. The principal or director of the school shall require all student applicants to fill out an enrollment application wherein the student must furnish a certificate from a principal of a school certifying that he or she had completed four (4) years of high school, or GED equivalency certificate. If the student has completed high school, his or her high school diploma may be presented in place of the certificate.

Section 2. Each student applicant must furnish a health certificate on the form prescribed by the board, made out and signed by a physician licensed to practice medicine or osteopathy in Kentucky certifying that as a result of his examination, the applicant has been found to be free of any infectious or communicable disease. An essential requirement of the medicine certificate is a showing that a standard blood test for the detection of syphilis infection was made by a laboratory approved by the Commissioner, Bureau for Health Services, and that such tests have been performed as deemed necessary by the physician to certify that the individual is free of tuberculosis.

Section 3. The enrollment application, accompanied by the applicant's medical certificate is to be mailed to the board within ten (10) days after the student's enrollment at the school of barbering.

Section 4. No student will be given credit for more than ten (10) days time in a school previous to the receipt of his or her medical certificate by the board.

Section 5. A school shall be permitted to enroll a student for a post-graduate [or] brush-up course [if such applicant furnishes proof that he has practiced barbering for a period of one (1) year and has never had his license revoked for any reason]. The maximum time for such course to be 150 hours.

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## GENERAL GOVERNMENT OPERATIONS

Kentucky Board of Barbering  
(Proposed Amendment)

201 KAR 14:110. School equipment; plant layout.

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.430, 317.440

NECESSITY AND FUNCTION: Barber school equipment and plant layout requirements.

Section 1. Each barber school must send the board a certificate from the zoning commission and a certificate from a licensed electrician or electrical firm showing the electrical equipment to be properly installed, properly grounded, and in safe operating condition.

Section 2. Barber schools must be completely equipped with standard tonics, dyes, tints, bleaches, shampoos, cosmetics, permanents, etc., all electrical devices and other equipment for the proper instruction of students, as well as with equipment and supplies for sanitation and hygiene. [No student can understand the value of these things by simply reading about them. They must be able to see and use them.]

Section 3. Barber schools must be so located as to be entirely separated and have no connection with any beauty or barber shop or any other place of business.

[Section 4. Barber schools are required to supply students, or have students supply themselves with sufficient instruments for learning the barbering profession.]

Section 4. [5.] No barber school will be approved by this board having a space less than six (6) feet square for each student enrolled therein.

Section 5. [6.] All accredited barber schools shall have a suitable and separate room to be used for demonstration and study, said room to have necessary charts and equipment to carry out the curriculum. The following equipment is required for this room:

(1) Sufficient charts, blackboards, etc., to teach all subjects of barbering.

(2) Sufficient classroom chairs with armrests, or desks, that will enable the student to take notes.

Section 6. [7.] Every barber school is required to maintain a separate lavatory and toilet for male and female students.

Section 7. [8.] All barber schools must comply with city and state building codes and zoning commission codes.

Section 8. [9.] Lockers, dressing rooms and rest rooms must be provided.

Section 9. [10.] Booths and partitions in the work department shall be sufficiently low to permit the observation of students while they are working.

[Section 11. Every barber school is required to have a reference library partially composed of the books recommended and set forth in the regulations as well as any other material pertinent to the teaching and study of barbering and beauty culture.]

Section 10. [12.] No school of barbering will be approved by the board having less than the following equipment: shampoo bowls; dryers; manicure tables; (a liquid sterilizer is required on each manicure table) hair cutting chair; [steamer;] wall plates; covered waste containers; individual paper towels; and containers for the use of students.

Section 11. [13.] (1) Each barbering school is required to furnish a supply or dispensing room in which each student may obtain actual experience for a period of one (1) to three (3) weeks, as indicated by the course of instruction. The student will be directly responsible to the owner for any damage incurred due to the student's negligence or willful destruction while working in the supply or dispensing room.

(2) Supply or dispensing and sterilization room equipment required for a barbering school:

(a) Supply of clean linens, neck cloths, etc.

(b) Lavatory for washing all combs, instruments, containers, etc.

(c) Bottles and containers in use must be distinctly and correctly labeled.

(d) [Large] Wet sterilizer.

(e) [Large] Dry sterilizer.

(f) [Small] Manicuring sterilizer.

(g) Soap dispenser.

(h) Covered waste container.

(i) Cabinet for supply of clean linens.

(j) Covered containers for soiled linens.

(k) Cabinets for accessories.

(l) Individual paper towel container.

[(m) Stove.]

[(m) [(n)] Manicuring cups for preparation of solution from stock supplies.

[(n) [(o)] Various solutions and preparations used.

[Section 14. Barber schools use only standard, nationally advertised and approved materials and equipment.]

[Section 15. Barber schools are devised to place at least two (2) trade journals in the library which are to be made available to the students]

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#### GENERAL GOVERNMENT OPERATIONS Kentucky Board of Barbering (Proposed Amendment)

201 KAR 14:115. Examinations; school and board.

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: *This regulation establishes examination applications and sets forth scores for passing. [School and board examinations.]*

Section 1. No student from a barber school will be permitted to take the board's examination whose application for examination has not reached the board's headquarters at least seven (7) days prior to the date of the examination.

Section 2. The board's examination will be given only to students who have been notified to appear for the examination and who are wearing a clean, washable uniform [and who have with them a pen for their written examination] and instruments to be used in the giving of their demonstrations.

Section 3. The board's examination is both written [and oral] in all subjects set forth in the regulations relating to barbers [, including electricity as applicable to a barber shop]. A practical demonstration on a living model is required as part of the examination.

Section 4. An average grade of seventy-five (75) percent in theory and practice will be required as a passing grade on the board's examination. [No certificate will be issued to either a barber or apprentice barber with a grade below sixty (60) percent in any one (1) subject.]

Section 5. All applicants for instructor's license must make a general average of *eighty (80)* [eighty-five (85)] percent on the board's examination. [Instructor's license will not be issued to any applicant receiving a grade below seventy-five (75) percent in any one (1) subject.]

Section 6. A student who works in a barber shop prior to passing the apprentice examination given by the board will be considered ineligible to take the examination.

Section 7. A bulletin board must be provided by a school and the examination schedule must be conspicuously displayed thereon.

Section 8. Written and oral tests must be given at intervals by a school to determine the status of the student [and such examination must include matters relating to theory].

Section 9. *201 KAR 14:120, High school transcript or GED required, is hereby repealed.*

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Gene Record, Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

#### GENERAL GOVERNMENT OPERATIONS Kentucky Board of Barbering (Proposed Amendment)

201 KAR 14:125. Teachers' and instructors' requirements.

RELATES TO: KRS 317.440

PURSUANT TO: KRS 317.440

NECESSITY AND FUNCTION: *This regulation establishes [Sets up] rules for school faculty and establishes conditions for unlicensed instructors.*

Section 1. All teachers and instructors in a school must hold *both a barber and barber instructor license* [licenses as a barbering instructor] issued by the board.

Section 2. An instructor shall be in the study and

classroom of a school during all class and study hours and will be required to supervise all practice student work.

Section 3. No licensed barber shall render services in a school, and instructors shall render services only incident to and for the purpose of instruction.

Section 4. Every instructor [, except the duly licensed physician or registered nurse,] in an accredited school shall devote his or her entire time during school or class hours to that of instructing the students and shall not apply his or her time to that of private or public practice for compensation during school hours or permit students to instruct or teach other students in the absence of a teacher.

Section 5. Properly qualified, licensed barbers may demonstrate to the students new processes, new preparations, and new appliances in the presence of registered teachers. Schools shall not permit more than *four (4)* [two (2)] such demonstrations in any calendar year.

Section 6. All services rendered in a school on patrons must be done by students only. Instructors shall be allowed to teach and aid the students in performing the various services. Instructors are permitted to finish up the patrons after the students have completed their work.

Section 7. Instructors in attendance must at all times wear a clean, washable outer garment such as a coat or smock.

Section 8. Schools shall require instructors to wear an insignia or badge [, on their uniform,] indicating that he or she is an instructor.

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Gene Record, Kentucky Board of Barbering, 400  
Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

#### GENERAL GOVERNMENT OPERATIONS Kentucky Board of Barbering (Proposed Amendment)

##### 201 KAR 14:130. School fees for services.

RELATES TO: KRS 317.410, 317.440

PURSUANT TO: KRS 317.430, 317.440

NECESSITY AND FUNCTION: *This regulation establishes school fees and [for] services.*

Section 1. A copy of such prices must be posted on a card in each room of the barber school where work is done on the public. Price lists must be printed in type large enough to be read at a distance of ten (10) feet.

Section 2. A barber school is not permitted to operate as a barber shop. *A list of services and prices charged shall be submitted to the board for approval. The board shall have the right to approve or disapprove the submitted price list.* [Prices for service rendered the public shall cover only the costs of material. The price list shall be submitted to the board for approval. The board reserves the right to approve or disapprove the said price list.]

Section 3. Barber schools shall not be permitted to charge students additional fees for demonstrations, nor shall any supply house or manufacturer be permitted to charge students fees for such demonstrations.

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Gene Record, Kentucky Board of Barbering, 400  
Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

#### GENERAL GOVERNMENT OPERATIONS Kentucky Board of Barbering (Proposed Amendment)

##### 201 KAR 14:140. School license.

RELATES TO: KRS 317.440, 317.450

PURSUANT TO: KRS 317.410, 317.430, 317.440

NECESSITY AND FUNCTION: This regulation sets forth rules for licensing a barber school.

Section 1. Each person making application for a license to operate a barber school is required to submit to the board satisfactory evidence as to the financial responsibility and character of the persons interested in operating such a school; literature and advertising material pertaining to the school; samples of each form of record used to conduct the business of the school, including progress reports, hour sheets, and "sign-in" sheets; and a copy of the contract with the student and term or lease.

Section 2. Application for license to operate a school of barbering must be accompanied by a [an architect's or draftsman's] floor plan of proposed premises [drawn to scale], showing the arrangements of the classroom, the placing of equipment, the location of gas and electric outlets, and the entrance and exits.

Section 3. A license to operate a barber school [carries the approval of the board and] is valid only for the location named in the license and is not transferable.

Section 4. *Barber schools shall not be permitted to operate any other business in connection with the school and if a school does operate a business after being licensed, the license shall be revoked as provided in KRS Chapter 317.*

Section 5. [4.] Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons [any branch or subject of barbering] as defined in KRS 317.410 shall be classified as a barber school and will be required to comply with all the provisions of the laws and the rules and regulations of the board.

Section 6. [5.] A copy of the laws and regulations concerning the licensing of barbers must [also] be available to all [for use by the] students.

Section 7. [6.] Any barber school owner or manager found guilty by the board of willfully or fraudulently misrepresenting facts to the board concerning any in-

formation regarding his or her school [, or any student enrolled therein,] will have *their* [his or her] license to operate a barber school revoked as provided in KRS Chapter 317 [and the rules and regulations adopted by the board, and by such revocation, the approval of this school by the board is automatically withdrawn].

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Gene Record, Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

### GENERAL GOVERNMENT OPERATIONS

Kentucky Board of Barbering  
(Proposed Amendment)

#### 201 KAR 14:150. School records.

RELATES TO: KRS 317.410, 317.450

PURSUANT TO: KRS 317.430, 317.440

NECESSITY AND FUNCTION: *This regulation establishes requirements for school records [requirements].*

Section 1. A monthly record of the entire enrollment [(regular and special students)] must be kept by the schools *and reported to the board each month and must be available for inspection at any time* [in such a manner as to be available at all times to the board or its employees].

Section 2. Barber schools are required to keep daily records of each student's *practical work and classroom attendance*. Records must be approved and signed by the [proper] instructors [or lecturers showing practice work and work performed on clinic patrons]. This record is to be *included* [mailed to the board] with the student's application for examination as *an apprentice* upon completion of his or her course.

[Section 3. A detailed record of a student's daily study and attendance must be furnished to the board upon a student's graduation.]

Section 3. [4.] *The security of all records are the responsibility of the school* [All records must be kept in a locked fireproof file and must be available for inspection by the board or its employees].

Section 4. 201 KAR 1:155, *School sanitation, is hereby repealed.*

GENE RECORD, Administrator

ADOPTED: December 1, 1983

RECEIVED BY LRC: December 1, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Gene Record, Kentucky Board of Barbering, 400 Sherburn Lane, Suite 405, Louisville, Kentucky 40207.

### FINANCE AND ADMINISTRATION CABINET Board of Registration for Professional Engineers and Land Surveyors (Proposed Amendment)

#### 201 KAR 18:040. Fees.

RELATES TO: KRS 322.040, 322.090, 322.100, 322.110, 322.120, 322.140, 322.150, 322.160, 322.420

PURSUANT TO: KRS 13.082, 322.090, 322.100, 322.120, 322.140, 322.290, 322.420

NECESSITY AND FUNCTION: KRS Chapter 322 gives the board certain authority to fix fees, and this is intended to outline fees covering various steps of application, examination, certification, registration and/or renewal fees.

Section 1. Fees. (1) The license fee under KRS 322.040 shall be *seventy-five dollars (\$75)* [seventy dollars (\$70)], of which *forty dollars (\$40)* [thirty-five dollars (\$35)] is payable on application. The license fee under KRS 322.120 shall be *seventy-five dollars (\$75)* [seventy dollars (\$70)] all of which is payable on application. The amounts specified as application fees should accompany each application and shall be transmitted by check or money order made payable to "Kentucky State Registration Board."

(2) These fees will be retained by the board as non-refundable application fees, the same to be credited to the applicant when and if a license is granted.

(3) If approved under KRS 322.120 the license certificate will be issued without further fee, and if under KRS 322.040, it will be issued upon receipt by the board of the final payment of thirty-five dollars (\$35), representing the balance of the total licensing fee of *seventy-five dollars (\$75)* [seventy dollars (\$70)].

(4) Only one (1) complete application form is required for a license in any one or more branches of engineering or land surveying. However, an updating of the application and an additional application fee of *forty dollars (\$40)* [thirty-five dollars (\$35)] and an additional thirty-five dollar (\$35) final fee is required for each additional branch of engineering or section of the law under which the applicant subsequently applies for licensing. The update must stress the work experience the applicant has had in the branch he wishes to add.

JOSEPH F. SISLER, Secretary-Treasurer

ADOPTED: September 20, 1983

RECEIVED BY LRC: December 8, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky State Board of Registration for Professional Engineers and Land Surveyors, Kentucky Engineering Center, Route 3, 96-5, Millville Road, Frankfort, Kentucky 40601.

### COMMERCE CABINET Department of Fish and Wildlife Resources (Proposed Amendment)

#### 301 KAR 1:015. Boats and outboard motors; size limits.

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: It is necessary to

regulate the size of outboard motors and boats on state-owned lakes to minimize the conflict with the primary purposes of the lakes which are the perpetuation of fish or game populations and the associated sports. *This amendment is necessary to provide regulation of boats and motors on Pan Bowl Lake.*

Section 1. No boat will be permitted on any of the herein named lakes with a centerline exceeding eighteen (18) feet six (6) inches in length as measured on deck or from bow to stern, except canoes which have no length limit and float boats which may have pontoons and decking no longer than twenty-two (22) feet. On Lake Malone and Lake Beshear only float boats can have pontoons and decking up to thirty (30) feet in length.

Section 2. No houseboats of any description will be permitted on any of the herein named lakes.

Section 3. No motor of any type is permitted on the following lakes:

- (1) Lake Chumley, Lincoln County,
- (2) Dennis Gooch Lake, Pulaski County,
- (3) Martin County Lake, Martin County,
- (4) Kingdom Come Lake, Harlan County.

Section 4. Electric motors only may be used on the following lakes:

- (1) Carter Caves Lake, Carter County,
- (2) Spurlington Lake, Taylor County,
- (3) Marion County Lake, Marion County,
- (4) Elliott County Sportsmen's Lake, Elliott County,
- (5) Lake Washburn, Ohio County,
- (6) Bert Combs Lake, Clay County,
- (7) McNeely Lake, Jefferson County,
- (8) Lake Mauzy, Union County,
- (9) Carpenter Lake and Kingfisher Lakes, Daviess County,
- (10) Metcalfe County Lake, Metcalfe County,
- (11) Briggs Lake, Logan County.

Section 5. Electric motors only may be used on the following lakes located in Ballard County. These lakes are closed 15 October to 15 March, annually:

- (1) Big Turner,
- (2) Little Turner,
- (3) Shelby,
- (4) Mitchell,
- (5) Happy Hollow,
- (6) Burnt Slough,
- (7) Butler.

Section 6. No motor larger than seven and one-half (7½) hp. may be used on Greenbo Lake located in Greenup County.

Section 7. No motor larger than ten (10) hp. (inboard or outboard) may be used on the following state-owned lakes; however, slow speeds which cause no disturbance or interference with fishing must be exercised at:

- (1) Shanty Hollow Lake, Warren County,
- (2) Bullock Pen Lake, Grant County,
- (3) Lake Boltz, Grant County,
- (4) Falmouth Lake, Pendleton County,
- (5) Elmer Davis Lake, Owen County,
- (6) Beaver Creek Lake, Anderson County,
- (7) Herb Smith Lake, Harlan County,

- (8) Corinth Lake, Grant County,
- (9) Wilgreen Lake, Madison County.
- [(10) Pan Bowl Lake, Breathitt County.]

Section 8. No boat motor larger than 150 hp. may be used, and all boat motors used must have an underwater exhaust on the following state-owned lakes:

- (1) Guist Creek Lake, Shelby County,
- (2) Lake Malone, Todd, Muhlenberg and Logan Counties,
- (3) Lake Beshear, Christian and Caldwell Counties.

*Section 9. Boat motors of any size may be used on Pan Bowl Lake, Breathitt County; however, boat speed is limited to idle speed only for the entire lake.*

Section 10. [9.] All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this regulation. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.

CARL E. KAYS, Commissioner

ADOPTED: December 5, 1983

APPROVED: CARROLL KNICELY, Secretary

RECEIVED BY LRC: December 5, 1983 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

**COMMERCE CABINET**  
Department of Fish and Wildlife Resources  
(Proposed Amendment)

**301 KAR 1:075. Gigging, hand grabbing or snagging, tickling and noodling.**

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.235, 150.360, 150.440, 150.445, 150.470

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation is necessary to permit and govern methods of harvest to the benefit of the fishery resource. This amendment is necessary to *restrict tickling and noodling in specified waters* [extend the use of multi-hook snagging to the tributaries of the Green and Rolling Fork Rivers].

Section 1. As used in this regulation, the word "snagging" means an act of taking fish by using a single hook or one treble hook (except in the Green River and its tributaries and Rolling Fork River and its tributaries where five (5) hooks, either single or treble hooks, may be used) which is attached by line to a pole and is used in a jerking and pulling manner.

Section 2. A person may gig or snag from the stream or lake banks, but cannot use these fishing methods from a boat or platform, except gigging is permitted from a boat in any lake with a surface acreage of 500 acres or larger during the daylight hours.

Section 3. The season during which gigging and snag-

ing is permitted is March 1 through May 10, annually, except persons may gig rough fish through the ice in these same waters any time the surface is frozen thick enough to stand on, and gigger must gig while supported by the ice.

Section 4. Giggling and/or snagging for rough fish is permitted night and day in all lakes and streams, except where specifically prohibited as described in Sections 2 and 5.

Section 5. Giggling and/or snagging is specifically prohibited in the following streams and their tributaries. (Exceptions: See subsection (1)(b) and subsection (2)(b) below.)

(1) (a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, and in the Cumberland River in the area below Barkley Dam downstream to US 62 bridge.

(b) Those tributaries to the Cumberland River below Wolf Creek Dam downstream to the Tennessee line, shall be open to giggling and snagging in season, except that portion of each tributary which is within one-half (½) mile of its junction with the Cumberland River.

(2) (a) Within 200 yards of any dam on any stream,

(b) Snagging only is permitted in the Tennessee River below Kentucky Dam subject to restrictions in 301 KAR 1:020.

(3) Little Kentucky River—Trimble,

(4) Goose Creek—Russell and Casey,

(5) Casey Creek—Trigg,

(6) Rough River, below Rough River Dam downstream to where Ky. 54 crosses the stream, and above the first rifle on Rough River Lake,

(7) Middle Fork of the Ky. River, from Buckhorn Dam downstream to Breathitt-Perry County line,

(8) Trammel Creek, upstream from the Butlersville Bridge where KY 1332 crosses the stream,

(9) Peters Creek—Barren and Monroe,

(10) Beaver Dam Creek—Edmonson,

(11) Canada Creek—Wayne,

(12) Shultz Creek—Greenup,

(13) Sulphur Spring Creek—Simpson,

(14) Lick Fork Creek—Simpson,

(15) Sinking Creek—Breckinridge,

(16) Beaver Creek—Barren,

(17) Big Brush Creek—Green,

(18) Rough Creek—Hardin,

(19) Claylick Creek—Crittenden,

(20) Lynn Camp Creek—Hart,

(21) Roundstone Creek—Hart,

(22) Ravens Creek—Harrison,

(23) Boone Creek—Fayette and Clark,

(24) Caney Creek—Elliott,

(25) Greasy Creek—Leslie,

(26) Laurel Fork Creek—Harlan,

(27) Beaver Creek—Wayne,

(28) Craney Creek—Rowan,

(29) Swift Camp Creek—Wolfe,

(30) Middle Fork—Powell and Wolfe,

(31) War Fork—Jackson,

(32) Indian Creek—Jackson,

(33) Clover Bottom Creek—Jackson,

(34) Cane Creek—Laurel,

(35) Hawk Creek—Laurel,

(36) Beaver Creek—McCreary,

(37) Little South Fork—McCreary and Wayne,

(38) Rock Creek—McCreary,

(39) Lick Creek—McCreary,

(40) Bark Camp Creek—Whitley,

(41) Dogslaughter Creek—Whitley,

(42) Laurel Creek—Elliott,

(43) Big Double Creek—Clay,

(44) Hood Creek—Johnson and Lawrence.

Section 6. All game fish caught by giggling or snagging, except those taken below Kentucky Dam in the Tennessee River, shall be returned to the water immediately, regardless of condition.

Section 7. The tickling and noodling (hand grabbing) season for rough fish only shall be June 10 to August 31 (all dates inclusive) during daylight hours only. Tickling and noodling shall be permitted in all waters except the *North, Middle and South Forks of the Kentucky River and their tributaries*. The daily creel limit for tickling and noodling shall be fifteen (15) rough fish of which not more than five (5) may be catfish.

CARL E. KAYS, Commissioner

ADOPTED: December 5, 1983

APPROVED: CARROLL KNICELY, Secretary

RECEIVED BY LRC: December 14, 1983 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Fish and Wildlife, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.

## EDUCATION AND HUMANITIES CABINET

Department of Education

Bureau of Instruction

Amended After Hearing

704 KAR 10:022. Elementary, middle and secondary schools standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.160

NECESSITY AND FUNCTION: KRS 156.160 requires the State Board of Education to adopt rules and regulations relating to grading, classifying, and accrediting all common schools. This regulation implements this duty by prescribing general standards to be used in evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools, *June, 1982*, as amended on *November 15, 1983* [April 12, 1983], are presented herewith for filing with the Legislative Research Commission, and incorporated by reference. The Standards for Accrediting Kentucky Schools, 1980-81, shall remain in effect through the 1984-85 school year for those districts which cannot, because of time and personnel constraints on the Superintendent of Public Instruction, be assessed by the Department of Education under the new standards until the 1985-86 school year, and said accreditation standards are also incorporated herein by reference.

Section 2. "The Merit Rating Procedural Information and General Criteria for Guidance Programs" and "Merit

Rating Guidelines for Kentucky Schools," as adopted on January 12, 1982, are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

Section 3. A copy of all documents incorporated in this regulation may be obtained from the Department of Education.

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: November 15, 1983

RECEIVED BY LRC: November 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: L. W. True, Secretary, State Board of Education,  
17th Floor, Capital Plaza Tower, Frankfort, Kentucky  
40601.

### EDUCATION AND HUMANITIES CABINET

Department of Education  
Bureau of Instruction  
(Proposed Amendment)

#### 704 KAR 20:222. Industrial education teachers.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, [156.030,] 156.070,  
161.030 [156.160]

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of [for Elementary and Secondary] Education. This regulation establishes the qualifications for teachers of industrial education-preparation level.

Section 1. The certificate for vocational education is established for issuance and renewal only for vocational teachers employed by the public, *common* schools [or by the State Department of Education]. The certificate may be issued for any health, technical, or trades and industrial occupational area for which programs may be offered under the Kentucky State Plan for Vocational Education. It is intended that these regulations implement the philosophy of industrial education as adopted by the Kentucky State Board of [for Elementary and Secondary] Education in December, 1975, by means of the report "Industrial Education—A Merger of Industrial Arts and Trade and Industrial Education."

Section 2. (1) A certificate for teaching vocational education—industrial education, valid for teaching only the subjects stated on the face of the certificate, shall be issued for a duration period of one (1) year upon completion of the following requirements:

(a) High school graduation or its equivalence determined by evidence of an acceptable score on the general education development test administered by an approved testing center.

(b) Four (4) years of successful and appropriate occupational experience in the area to be taught. Adequacy of work experience shall be determined by the Department of Education. One (1) year of occupational experience shall be equated with 2,000 clock hours. A maximum of one (1)

year of the required work experience may be satisfied by completion of an accredited preparatory vocational program for the occupation to be taught.

(c) The completion of three (3) semester hours of credit in a foundations course in vocational, industrial, or career education and the completion of three (3) semester hours of credit in course construction or curriculum development in vocational industrial education.

(2) The certificate shall be renewed for subsequent one (1) year periods upon completion of a minimum of six (6) semester hours of credit for each renewal selected from the sixty-four (64) semester hour planned program for the preparation of vocational teachers in industrial education-preparation level. The certificate shall not be subject to renewal more than ten (10) times. Credit granted for occupational proficiency shall not be applied toward the certificate renewal requirements. As a consequence of extenuating circumstances, such as severe illness or death in the family, which prevent the teacher from meeting the certificate renewal requirements, the Department of Education may authorize a renewal one (1) time without the completion of the additional credits when the circumstances are adequately documented and the situation merits approval.

Section 3. A temporary certificate for vocational education-industrial education may be issued to a person who is initially employed during a school year and who meets the qualifications stated in Section 2(1)(a)(b) above. The certificate shall be issued for a duration period to expire on the next June 30 after issuance and shall not be renewed for full-time instructors.

Section 4. (1) A certificate for teaching vocational education-industrial education, valid for teaching only the subjects stated on the face of the certificate, shall be issued for a duration period of five (5) years upon completion of the following requirements:

(a) The completion of a planned program consisting of a minimum of sixty-four (64) semester hours of credit distributed as follows:

1. A general education component consisting of twenty (20) semester hours of credit selected from the general education component of teacher preparation.

2. A specialization component consisting of twenty-four (24) semester hours of credit selected from the specialization component of the curriculum standards for the provisional high school certificate with an area of concentration in industrial education-preparation level.

3. A professional education component consisting of twenty (20) semester hours of credit in professional education to include at least twelve (12) semester hours selected from the professional education component of the curriculum standards for the provisional high school certificate with an area of concentration in industrial education-preparation level. *Successful completion of the methods of instruction course taught by the Department of Education, which has as a minimum at least a five (5) day workshop, on-site observation of teaching and evaluation, and a two (2) day reinforcement workshop, may be substituted for three (3) of the twenty (20) semester hours currently required in the professional education component.*

(b) The completion of four (4) years of occupational experience in the area to be taught or the completion of a minimum of 4,000 hours of supervised work experience.

(2) The certificate shall be renewed for subsequent five (5) year periods upon completion of any combination of

two (2) years of teaching or work experience in the occupational specialty plus the completion of an additional six (6) semester hours credit from an approved industrial education program. An additional three (3) semester hours of credit may be substituted for any year of renewal experience which may be lacking.

Section 5. A certificate for a vocational education specialist, valid for teaching the specific subject stated on the face of the certificate, shall be issued for a duration period of one (1) year upon the basis of a determination made by the Department of Education that the individual has unique knowledge or experience or special preparation that qualifies the person to be outstanding in the vocational subject to be taught.

Section 6. *The certificates set forth in Sections 2 through 5 of this regulation shall be valid for teaching in the vocational schools operated by the Department of Education as well as public, common schools. In addition, permanent certification for teaching vocational education-industrial education valid for teaching only the subjects stated on the face of the certificate to postsecondary classes in state-operated vocational schools only, shall be issued to the individual who has successfully completed the methods of instruction course, and either a college degree from an accredited college or university in the technical subject area to be taught or licensure in the occupational area to be taught where licensure is required by a recognized state or national agency, plus, at the time of employment, an initial examination which relates to basic academic skills and provides comprehensive assessment of appropriate technical skills. [A certificate for vocational education, valid for a part-time or short-term assignment, and for teaching the specific subject stated on the face of the certificate, shall be issued for a duration period of one (1) year on the basis of high school graduation or its equivalence and four (4) years of responsible work experience in the occupation to be taught.]*

RAYMOND BARBER

Superintendent of Public Instruction

ADOPTED: November 15, 1983

RECEIVED BY LRC: December 12, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: L. W. True, Secretary, Kentucky State Board of  
Education, 17th Floor, Capital Plaza Tower, Frankfort,  
Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Labor**  
**Kentucky Occupational Safety and Health**  
**(Proposed Amendment)**

**803 KAR 2:020. Adoption of 29 CFR Part 1910.**

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational

Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts Chapter 29, Part 1910 of the Code of Federal Regulations revised as of July 1, 1981, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U.S. Department of Labor, or any subsidiary thereof, shall instead report such information to the Kentucky Department of Labor, U.S. 127 South, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.20 "Access to employee exposure and medical records" is amended as follows:

(a) 29 CFR 1910.20(e)(1)(i) is amended to read "Whenever an employee or designated representative requests access to an exposure or medical record, the employer shall assure that access is provided in a reasonable time, place, and manner, but not later than fifteen (15) days after the request for access is made unless sufficient reason is given why such a time is unreasonable or impractical."

(b) 29 CFR 1910.20(e)(1)(ii) is amended to read "Whenever an employee or designated representative requests a copy of a record, the employer shall, except as specified in (v) of this section, within the period of time previously specified assure that either:"

(c) 29 CFR 1910.20(e)(1)(v) is added and shall read "Original x-ray film will be made available to the employee and/or designated representative for inspection, review, and duplication under the supervision of the employer or his representative. The employer is not required to bear the cost of duplication of x-ray film."

[(d) 29 CFR 1910.20(e)(3)(ii) shall read "Whenever OSHA seeks access to personally identifiable employee medical information by presenting to the employer a written access order pursuant to 29 CFR 1913.10(d), the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days. OSHA will have access to employee medical records maintained by an employee's personal physician fifteen (15) days after written consent is given to OSHA by the affected employee. The consent must contain a general description of the medical information that is authorized to be released."]

(d) [(e)] 29 CFR 1910.20(g)(1) is amended to read "Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform each employee exposed to toxic substances or harmful physical agents of the following:"

(e) [(f)] 29 CFR 1910.20(g)(2) is amended to read "Each employer shall make readily available to employees a copy of this standard and its appendices, and shall make readily available to employees any informational materials concerning this standard which are provided to the employer by the Assistant Secretary of Labor for Occupational Safety and Health."

(4) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(5) 29 CFR 1910.95 "Hearing Conservation Program" paragraphs (c) through (p) and appendices A, B, C, D, E, F, G, H, and I as published in the Federal Register, Volume 48, Number 46, March 8, 1983 and Volume 48, Number 125, June 28, 1983 are adopted by reference and amended as follows:

(a) 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice

of the availability of this standard in the workplace.

(f) 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well-drilling and servicing operations, agriculture, or construction.

(g) 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This appendix is mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

#### 1. Sound Pressure Output Check.

a. Place the earphone couler over the microphone of the sound level meter and place the earphone on the coupler.

b. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.

c. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.

d. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

#### 2. Linearity check.

a. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.

b. Measure the sound levels in the coupler at each coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.

c. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.

d. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

#### 3. Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 by  $\pm$  three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

Table E-1—Reference Threshold Levels for Telephonics—TDH-39 Earphones

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1,000	7	77
2,000	9	79
3,000	10	80
4,000	9.5	79.5
6,000	15.5	85.5
8,000	13.0	83.0

Table E-2—Reference Threshold Levels for Telephonics—TDH-49 Earphones

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1,000	7.5	77.5
2,000	11	81.0
3,000	9.5	79.5
4,000	10.5	80.5
6,000	13.5	83.5
8,000	13.0	83.0

(6) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(7) 29 CFR 1910.106 "Flammable and combustible liquids" is amended as follows:

(a) 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service station, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(b) Revisions to 29 CFR 1910.106(g)(2) and 1910.106(g)(3)(vi)(a) and (b) as published in the Federal Register, Volume 47, Number 173, Tuesday, September 7, 1982 are adopted by reference.

(8) 29 CFR 1910.134 is amended as follows:

(a) 29 CFR 1910.134(c) shall read: "Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2—1980."

(b) 29 CFR 1910.134(d) the third sentence shall read: "Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1—1973."

(c) 29 CFR 1910.134(g) shall read: Identification of Air-Purifying Respirator Canisters and Cartridges.

1. The primary means of identifying an air-purifying respirator canister or cartridge shall be by means of properly worded labels. The secondary means of identifying an air-purifying respirator canister or cartridge shall be by an identifying color or colors.

2. All who issue or use air-purifying respirators falling within the scope of this standard shall ensure that all canisters and cartridges purchased or used by them are properly labeled and colored in accordance with this standard before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters and cartridges have completely served their purpose. The user shall refer to the label wording to determine the type and degree of protection the canister or cartridge will afford.

3. On each air-purifying respirator canister and cartridge, the following shall appear in bold letters:

CANISTER FOR \_\_\_\_\_  
(Name of atmospheric contaminant)  
OR

CARTRIDGE FOR \_\_\_\_\_  
(Name of atmospheric contaminant)

In addition, either or both of subparagraphs a and b of this paragraph, and subparagraph c of this paragraph, shall appear beneath the appropriate phrase on the canister or cartridge label.

a.  
For respiratory protection in atmospheres containing not more than \_\_\_\_\_ by volume of  
(Concentration)

(Name of atmospheric contaminant)

b.  
For respiratory protection in atmospheres containing  
(Type of particulate contaminant)

c.  
Do not use in atmospheres containing less than 19.5% oxygen by volume at sea level.

4. Each respirator canister or cartridge, or canister or cartridge label, shall be a distinctive color as indicated in Table I-1. The color coating used shall offer a high degree of resistance to changes such as chipping, scaling, peeling, blistering, and fading, and to the effects of ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(d) 29 CFR 1910.134 Table I-1 shall read:

TABLE I-1  
Color Assigned to Canister or Cartridge

Atmospheric Contaminant(s) to be Protected Against	Color Assigned	ISCC-NBS Centroid Color Number	ISCC-NBS Centroid Color Name
Acid gases	White	263	White
Organic vapors	Black	267	Black
Ammonia gas	Green	139	Vivid green
Carbon monoxide gas	Blue	178	Strong blue
Acid gases and organic vapors	Yellow	82	Vivid yellow
Acid gases, ammonia, and organic vapors	Brown	75	Deep yellow brown
Acid gases, ammonia, carbon monoxide, and organic vapors	Red	11	Vivid red
Other vapors and gases not listed above	Olive	106	Light olive
Radioactive materials (except tritium and noble gases)	Purple	218	Strong purple
Dusts, fumes, and mists (other than radioactive materials)	Orange	48	Vivid orange

## NOTES:

(1) A purple (ISCC-NBS Centroid Number 218) stripe shall be used to identify radioactive materials in combination with any vapor or gas.

(2) An orange (ISCC-NBS Centroid Number 48) stripe shall be used to identify dusts, fumes, and mists in combination with any vapor or gas.

(3) Where labels only are colored to conform with this table, the canister or cartridge body shall be gray (ISCC-NBS Centroid Number 265), or a metal canister or cartridge body may be left in its natural metallic color.

(4) The user shall refer to the wording of the label to determine the type and degree of protection the canister or cartridge will afford.

(9) 29 CFR 1910.141(c)(2)(i) shall read as follows:

“(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy.”

(10) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

“(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.”

“(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.”

“(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available.”

“(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.”

(11) 1910.156(a)(2) “Application” is amended to read “The requirements of this section apply to fire brigades; industrial fire departments; private fire departments; and municipal public fire departments and fire protection districts. Personal protective equipment requirements apply only to members of fire brigades and fire departments performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue, forest fire fighting operations, or volunteer fire fighters.”

(12) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following:

“This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the ‘inch’ position.”

(13) Subparagraph 29 CFR 1910.252(a)(6)(iv), (d)(2) shall be corrected to read as follows:

“Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations.”

(14) Corrections to 29 CFR 1910 Subpart S “Electrical” as published in the Federal Register, Volume 46, Number 152, August 7, 1981 are adopted by reference.

(15) Amendments to 29 CFR 1910.401(a)(2)(iv) and 29 CFR 1910.402 “Commercial Diving Operations” as published in the Federal Register, Volume 47, Number 228, November 26, 1982 are adopted by reference.

(16) 29 CFR 1910.1001 “Asbestos” is amended as follows:

(a) 29 CFR 1910.1001(d)(2)(iv)(a) is amended to read:

“The employer shall establish a respirator program in accordance with the requirements of the American National Standards Practices for Respiratory Protection, ANSI Z88.2—1980, which is incorporated by reference herein.”

(b) 29 CFR 1910.1001(k) as published in the Federal Register, Volume 48, Number 215, November 4, 1983 is adopted by reference.

(17) Amendments to 29 CFR 1910.1002 “Coal Tar Pitch Volatiles” as published in the Federal Register Volume 48, Number 15, January 21, 1983 are adopted by reference.

(18) 29 CFR 1910.1005 4,4'-methylene bis (2-chloroaniline) and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), Laboratory Activities, printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(19) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows:

“Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials.”

(20) 29 CFR 1910.1025 “Occupational Exposure to Lead” shall be amended as follows:

(a) Revisions as published in the Federal Register, Volume 46, Number 238, Friday, December 11, 1981, are adopted by reference.

(b) Revisions published in the Federal Register, Volume 47, Number 219, November 12, 1982, and Volume 48, Number 46, March 8, 1983 are adopted by reference.

(c) “Table 1—Implementation Schedule” is amended to read:

TABLE 1—Implementation Schedule

INDUSTRY <sup>1</sup>	COMPLIANCE DATES		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(2)	6-29-84	6-29-91
Secondary lead production	(2)	6-29-84	6-29-86
Lead acid battery manufacture	(2)	6-29-83	6-29-86
Automobile manufacture/ solder grinding	(2)	N/A	6-29-88
Electronics, gray iron foundries, ink manufacture, paints and coatings manufacture, wallpaper manufacture, can manufacture, and printing	(2)	N/A	6-29-82
Lead pigment manufacture, non-ferrous foundries, leaded steel manufacture, lead chemical manufacture, ship building and ship repair, battery breaking in the collection and processing of scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), secondary smelting of copper, and lead casting	(2)	N/A	N/A
All other industries	(2)	N/A	6-11-84

<sup>1</sup>Includes ancillary activities located on the same worksite.

(2) On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

THELMA L. STOVALL, Commissioner

ADOPTED: November 22, 1983

APPROVED: LEONARD MARSHALL, Secretary

RECEIVED BY LRC: November 29, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: OSH Technical Support, Kentucky Department of Labor, Occupational Safety and Health, U.S. 127 South, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:015. Race officials.**

RELATES TO: KRS 230.630(1),(3), 230.640(2), 230.660, 230.700, 230.720

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to set out the required officials, their functions and duties.

Section 1. Officials Required. In every race, there shall be a presiding judge, two (2) associate judges and not less than two (2) patrol judges, a racing secretary, starter, clerk

of the course and three (3) timers, or one (1) timer and an approved electric timing device. In the event a patrol car is used, one (1) associate judge may ride in the car, in which case the patrol judges may be eliminated.

Section 2. All officials must be licensed and approved by the commission. *No race official, with the exception of the timer, will be considered for approval unless he or she has attended a United States Trotting Association Officials School or other school designated by the commission and has satisfactorily passed a written and/or oral examination at the conclusion of such school.*

Section 3. Any track permitting an unlicensed person to officiate when a license is required shall be fined not exceeding \$250 for each day such unlicensed person officiates. Any person officiating without being licensed shall be fined not exceeding \$250 for each day he acts as such an official.

Section 4. Officials at Extended Meetings. No presiding judge, associate judge, starter, race secretary, barrier judge, patrol judge, clerk of the course or paddock judge shall be qualified to serve as such at an extended pari-mutuel meeting without a valid commission license. Holders of pari-mutuel licenses are authorized to officiate at all meetings. No official acting as judge at a pari-mutuel meeting shall serve as race secretary or clerk of the course at such meeting. No licensed official shall be qualified to act as such at any pari-mutuel meeting where he is the owner or otherwise interested in the ownership of any horse participating at such meeting. Any refusal to grant a license to a person may be reviewed by the Kentucky Harness Racing Commission.

Section 5. Disqualification to Act as Official. A person under suspension, expulsion or other disqualification, or who has any interest in or any bet on a race or has an interest in any of the horses engaged therein, is disqualified from acting in any official capacity in that race. In the event of such disqualification the management shall be notified by the disqualified person and shall appoint a substitute. Any person who violates this restriction shall be fined, suspended or expelled.

Section 6. Suspension or Revocation of Official's License. An official may be fined, suspended or removed at any time for incompetence, failure to follow or enforce rules, or any conduct detrimental to the sport including drinking within four (4) hours prior to the time he starts work as an official.

Section 7. Ban on Owning or Dealing in Horses. No employee of any track whose duties include the classification of horses shall directly or indirectly be the owner of any horse racing at such meeting, nor shall he participate financially directly or indirectly in the purchase or sale of any horse racing at such meeting. Any person violating this rule shall be suspended.

Section 8. Location of Judge's Stand. The judge's stand shall be so located and constructed as to afford to the officials an unobstructed view of the entire track and no obstruction shall be permitted upon the track, or the centerfield which shall obscure the officials' vision of any portion of the track during the race. Any violation of this section shall subject the track to a fine not exceeding \$500 and immediate suspension.

Section 9. Judge's Stand Occupants. None but the judges, the clerk of the course, the secretary, starter and timers, official announcer, runner that posts the photo finish, and officials of the commission, shall be allowed in the judge's stand from fifteen (15) minutes before the first race until fifteen (15) minutes after the last race unless authorized by the commission. Any track violating this rule shall be fined not to exceed \$300.

Section 10. Improper Acts by an Official. If any person acting as judge or an official shall be guilty of using insulting language to an owner, driver, or other person, or be guilty of other improper conduct, he shall be fined not exceeding \$500, or be suspended or expelled.

Section 11. Presiding Judge. The presiding judge shall:

- (1) Have supervision to see that the rules of this commission are followed over the following officials:

- (a) Associate Judges;
- (b) Patrol Judges;
- (c) Starters;
- (d) Paddock Judges;
- (e) Finish Wire Judge;
- (f) Clerk of the Course;
- (g) Timers;
- (h) Charters;
- (i) Racing Secretary;
- (j) Official Announcer; and
- (k) Any other licensed personnel directly responsible for conducting the racing program.

(2) Notify owners, trainers, drivers and grooms of penalties imposed.

(3) Report in writing to the commission, violations of the rules by a track, its officers or race officials, giving detailed information thereof.

(4) Make such other reports as required by the commission.

(5) Sign each sheet of the judge's book, verifying the correctness of the record.

(6) Be responsible for the maintenance of the records of the meeting and the forwarding thereof to the commission.

(7) Failure of the presiding judge to see that the rules of the commission are complied with may be grounds for suspension and may be grounds for denial of a license for the subsequent year.

Section 12. Authority and Procedure of Judges. The judges shall have the authority while presiding to: (1) Inflict fines and penalties, as prescribed by these rules.

(2) Determine all questions of fact relating to the race.

(3) Decide any differences between parties to the race, or any contingent matter which shall arise, such as are not otherwise provided for in these rules.

(4) Declare pools and bets "off" in case of fraud, no appeal to be allowed from their decision in that respect. All pools and bets follow the decision of the judges. Such a decision in respect to pools and bets shall be made at the conclusion of the race upon the observation of the judges and upon the facts as an immediate investigation shall develop. A reversal or change of decision after the official placing at the conclusion of the heat or dash shall not affect the distribution of betting pools made upon such official placing. When pools and bets are declared off for fraud, the guilty parties shall be fined, suspended or expelled.

(5) Control the horses, drivers, and assistants and punish by a fine not exceeding \$100 or by suspension or ex-

pulsion, any such person who shall fail to obey their orders or the rules. In no case shall there be any compromise or change on the part of the judges or members of punishment prescribed in the rules, but the same shall be strictly enforced. Tracks shall not remove or modify any fine imposed by the judges of a race, review any order of suspension, expulsion, or interfere with the judges performing their duties.

(6) Examine under oath all parties connected with a race as to any wrong or complaint. The judges may compel by written notice the appearance of any person whose testimony is necessary to the proper conduct of a hearing. Failure to attend shall be a violation of these rules and shall be penalized as provided above in subsection (5).

(7) Consider complaints of foul from the patrols, owners, trainers or drivers in the race and no other.

(8) Make such decision in the public interest required by extraordinary circumstances not covered by rules and regulations of the commission.

Section 13. Judges' Duties. It shall be the duty of the judges to: (1) Exclude from the race any horse that in their opinion is improperly equipped, dangerous or unfit to race, which shall include sick, weak and extremely lame horses. No horse shall race with a tube in its throat. No horse shall race unless it has unimpaired vision in at least one (1) eye and no horse infected with Equine Infectious Anemia or a carrier thereof, shall race. Horses that are bleeders may race under recognized medication for said bleeding condition provided that said condition and the type of medication is certified to the commission by the commission veterinarian or a veterinarian licensed by the commission prior to the race and said horse is approved for racing by the presiding judge. In the event the horse bleeds while being raced under medication, said horse shall not again race with or without medication until it is cured and approved for racing by the commission.

(2) Investigate any apparent or possible interference, or other violation of 811 KAR 1:075, Section 1, whether or not complaint has been made by the driver.

(3) Investigate any act of cruelty seen by them or reported to them by any member towards a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall suspend or fine the offending member not to exceed \$500 and submit a written report within ten (10) days of their findings and action to the commission. The chairman of the commission or the designated representative of the commission shall have all the authority conferred upon the judges by this section, and in addition may order an investigation and a hearing and impose a penalty for any act of cruelty or neglect of a horse committed by any member whether on or off the premises of any race track.

(4) Immediately thereafter or on the day of the race conduct an investigation of any accidents to determine the cause thereof, and the judges shall make all accidents a matter of record in the judge's book and completely fill out an accident report. At the time of the accident, the inquiry sign shall be posted and the race shall not be declared official until the presiding judge has conferred with the patrol judge.

(5) Observe closely performance of the drivers and the horses to ascertain if there are any violations of 811 KAR 1:075, particularly interference, helping, or inconsistent racing and exhaust all means possible to safeguard the contestants and the public.

(6) Grant a hearing at a designated time before a penalty

may be imposed upon any party. All three (3) judges should be present if possible, and at least the presiding judge and one (1) associate judge must be present at all judges' hearings. The judges may inflict the penalties prescribed by rules and regulations of the commission.

(a) All penalty notices will carry the exact reason why the penalty has been imposed together with a summary of the rule or regulation violated. All penalties imposed on any driver may be recorded on the reverse side of his driver's license by the presiding judge.

(b) In the event the judges believe that a person has committed a rule or regulation violation and has left the grounds and they are unable to contact him, and hold a hearing thereon, they may make an investigation and send a detailed written report to the commission. The commission may impose a penalty not to exceed ten (10) days without a hearing based upon the report of the judges. No penalty in excess of ten (10) days shall be imposed before a hearing is granted.

(c) It shall be the duty of the judges to submit in writing a complete list of all witnesses questioned by them at any hearing, which list of witnesses, along with the testimony of such witnesses, shall be forwarded to the commission.

(d) The testimony of all witnesses questioned by the judges shall be recorded by one (1) of the following methods: written, signed statements, tape recorders or court reporter's transcript.

(e) No decision shall be made by the judges in such cases until all of the witnesses called by the judges and the person so required to appear before the judges have given their testimony. Any person charged with a rule or regulation violation shall be given at least until 12 noon of the following day to prepare his defense if he so requests.

(7) It shall be the duty of the judges to declare a dash or heat of a race no contest in the event the track is thrown into darkness during the progress of a race by failure of electricity.

**Section 14. Judges' Procedure.** It shall be the procedure of the judges to: (1) Be in the stand fifteen (15) minutes before the first race and remain in the stand for ten (10) minutes after the last race, and at all times when the horses are upon the track.

(2) Observe the preliminary warming up of horses and scoring, noting behavior of horses, lameness, equipment, conduct of the drivers, changes in odds at pari-mutuel meetings and any unusual incidents pertaining to horses or drivers participating in races.

(3) Have the bell rung or give other notice at least ten (10) minutes before the race or heat. Any driver failing to obey this summons may be punished by a fine not exceeding \$100 and his horse may be ruled out by the judges and considered drawn.

(4) Designate one (1) of their members to lock the pari-mutuel machines immediately upon the horses reaching the official starting point. The presiding judge shall designate the post time for each race and the horses shall be called at such time as to preclude excessive delay after the completion of two (2) scores.

(5) Be in communication with the patrol judges, by use of patrol phones, from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the rules or regulations shall be reported by the patrol judge witnessing the incident and a written record made of same. At least one (1) judge shall observe the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks, and failure to contest the race to the finish.

(6) Post the objection sign, or inquiry sign, on the odds board in the case of a complaint or possible rule or regulation violation, and immediately notify the announcer of the objection and the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed, and the "official" sign flashed. In all instances the judges shall post the order of finish and the "official" sign as soon as they have made their decision.

(7) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, a copy or copies shall be made, checked by the presiding judge, and posted for public inspection.

(8) Should a horse fall, run loose and uncontrolled, during warm-up, prior to the race or going to the post, the horse shall be examined by the state veterinarian to determine whether the horse is fit to race. If the veterinarian determines that the horse is unfit the presiding judge shall order the horse scratched.

**Section 15. Patrol Judges.** At the discretion of the judges, patrol may be appointed by the track but such patrols shall be approved by the presiding judge and work under his direction. At extended pari-mutuel meetings and at other meetings conducting one (1) or more races with a purse value of \$5,000 or over, at least two (2) patrol judges shall be employed. It shall be their duty to phone or repair to the judge's stand and report all fouls and improper conduct. The result of a heat or dash shall not be announced until sufficient time has elapsed to receive the reports of the patrols. Where there is a patrol car, only one (1) patrol judge shall be required.

**Section 16. Incapacitated Official.** If any licensed official is absent or incapacitated, the track management, subject to commission approval, must appoint a substitute at such meeting. Notice of such temporary appointment shall be given immediately to the office of this commission. If such official acts for more than three (3) days, he shall apply for a commission license in that capacity. This power may only be used in cases of unavoidable emergencies.

**Section 17. Starter Appointment.** Starter shall be designated by the track, subject to the approval of this commission. Such officials must be licensed as starters by this commission.

**Section 18. Starter; Authority.** The starter shall be in the stand or starting gate fifteen (15) minutes before the first race. He shall have control over the horses and authority to assess fines and/or suspend drivers for any violation of the rules and regulations from the formation of the parade until the word "go" is given. He may assist in placing the horses when requested by the judges to do so. He shall notify the judges and the drivers of penalties imposed by him. His services shall be paid for by the track employing him. An assistant starter must be available at all times.

**Section 19. Clerk-Duties; Clerk of the Course.** The clerk of the course shall:

(1) At request of judges assist in drawing positions.

(2) Keep the judge's book and record therein:

(a) All horses entered and their eligibility certificate numbers.

(b) Names of owners and drivers and drivers' license numbers.

(c) The charter lines at pari-mutuel meetings. At all race meetings, the money won by the horse at that track.

(d) Note drawn or ruled out horses.

(e) Record time in minutes, seconds, and fifths of seconds.

(f) Check eligibility certificates before the race, and after the race shall enter all information provided for thereon, including the horse's position in the race if it was charted.

(g) Verify the correctness of the judge's book including race time, placing and money winnings, reasons for disqualification, if any, and see that the book is properly signed.

(h) Forward the judge's book charts and marked programs to this commission from all extended pari-mutuel meetings the day following each racing day.

(i) Notify owners and drivers of penalties assessed by the officials.

(3) Upon request may assist judges in placing horses.

(4) After the race, return the eligibility certificate to owner of the horse or his representative when requested.

(5) Failure to comply with any part of this rule and make the above listed entries legible, clear and accurate, may subject either the clerk or the track, or both, to a fine not to exceed \$100 for each violation.

Section 20. Timers. (1) At each race there shall be three (3) timers in the judge's or timer's stand except when an electric timing device approved by the commission is used, in which event there shall be one (1) timer. The chief timer shall sign the judge's book for each race verifying the correctness of the record. All time shall be announced and recorded in fifths of seconds. All tracks licensed by the commission shall use an approved electronic or electric timing device.

(2) The timers shall be in the stand fifteen (15) minutes before the first heat or dash is to be contested. They shall start their watches when the first horse leaves the point from which the distance of the race is measured. The time of the leading horse at the quarter, half, three-quarters, and the finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

Section 21. Paddock Judge. Under the direction and supervision of the presiding judge, the paddock judge will have complete charge of all paddock activities as outlined in 811 KAR 1:010, Section 10. The paddock judge shall be subject to the approval of this commission. The paddock judge is responsible for:

(1) Getting the fields on the track for post parades in accordance with the schedule given to him by the presiding judge.

(2) Inspection of horses for changes in equipment, broken or faulty equipment, head numbers or saddle pads.

(3) Supervision of paddock gate men.

(4) Proper check in and check out of horses and drivers. Check the identification of all horses coming into the paddock including the tattoo number.

(5) Director of the activities of the paddock farrier.

(6) The paddock judge will immediately notify the presiding judge of anything that could in any way change, delay or otherwise affect the racing program. The paddock judge will report any cruelty to any horse that he observes to the presiding judge.

(7) The paddock judge will see that only properly authorized persons are permitted in the paddock and any violation of this rule may result in a fine, suspension or expulsion.

(8) Notify the presiding judge of any change of racing equipment or shoes before the race.

(9) Inspect and supervise the maintenance of emergency equipment kept in the paddock.

(10) Notify judges of all trainers and grooms who leave the paddock in an emergency.

Section 22. Identifier. At all extended pari-mutuel meetings the association shall employ an identifier licensed by the commission, whose duty it shall be to check the identification of all horses coming into the paddock, to include the tattoo number, color, and any markings. The identifier shall be under the immediate supervision of the paddock judge and the general supervision of the presiding judge. Any discrepancy detected in the tattoo number, color, or markings of a horse shall be reported immediately to the paddock judge, who shall in turn report same forthwith to the presiding judge. *The identifier must be licensed by the U.S.T.A.*

Section 23. Program Director. Each extended pari-mutuel track shall designate a program director. Such program director shall be subject to the approval of this commission.

(1) It shall be the responsibility of the program director to furnish complete and accurate past performance information.

(2) No person shall be permitted to act as a program director unless he is capable of furnishing accurate and complete past performance information to the general public.

Section 24. Duties of Patrol Judges. (1) The patrol judges shall observe all activity on the race track in their area at all times during the racing program. They shall immediately report to the presiding judge:

(a) Any action on the track which could improperly affect the result of a race.

(b) Every violation of the racing rules and regulations.

(c) Every violation of the rules of decorum.

(d) The lameness or unfitness of any horse.

(e) Any lack of proper racing equipment.

(2) The patrol judges shall, furthermore:

(a) Be in constant communication with the judges during the course of every race and shall immediately advise the judges of every rule violation; improper act or unusual happening which occurs at their station.

(b) Submit individual daily reports of their observations of the racing to the presiding judge.

(c) When directed by the presiding judge shall attend hearings or inquiries on violations and testify thereat under oath.

Section 25. Licensed Charter. (1) At all extended pari-mutuel meetings and grand circuit meetings, the charting of races is mandatory and the track shall employ a licensed charter to fulfill the requirements of this section.

(2) The charter shall be subject to the approval of this commission, *and shall be licensed by the U.S.T.A.*

Section 26. All equipment changes shall be cleared through the paddock judge who will call the judges for the necessary permission.

Section 27. Duties of the Race Secretary. The race secretary of each association must be licensed and approved by the commission and it shall be his duty:

(1) To receive and keep safe the eligibility certificates of

all horses competing at the race track or stabled on grounds owned or cared for by any association and to return same to the owner of a horse or his representative upon their departure from the grounds.

(2) To be familiar with the age, class, and competitive ability of all horses racing at the track.

(3) To classify and reclassify horses in accordance with the rules.

(4) To list horses in the categories for which they qualify and to cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others.

(5) To provide for the listing of horses in the daily program; to examine all entry blanks and declarations to verify all information set forth therein; to select the horses to start and the also eligible horses from the declarations in accordance with the rules governing these functions.

(6) To examine nominations and declarations in early closing events, late closing and stake events, to verify the eligibility of all declarations and nominations and to compile lists thereof for publication.

Section 28. Commission Supervisors of Pari-Mutuel Betting. (1) The commission shall employ supervisors with accounting experience who shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the Commonwealth, by checking, auditing and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and a final report at the conclusion of each race meeting in the Commonwealth.

(2) Such daily reports shall show:

(a) For each race: number of horses started, number of betting interests, total money wagered in each betting pool, and refunds, if any, for each day. The sum of all betting pools, and total refunds also, total pari-mutuel handle for the comparable racing day for the preceding year, and cumulative total and daily average pari-mutuel handle for the race meeting.

(b) Amount of state pari-mutuel tax due; taxable admissions, tax exempt admissions, total admissions; temperature, weather and track conditions, post time of first race; program purses, distance and conditions of each race; any minus pools resulting with explanation.

(3) The commission supervisors of pari-mutuel betting shall submit to the commission on or before thirty (30) days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and such other information as the commission may require.

(4) The commission supervisors of pari-mutuel betting or their representative shall have access to all association books, records, and pari-mutuel equipment for checking accuracy of same.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Carl B. Larsen, Supervisor of Racing, Kentucky Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

## PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

### 811 KAR 1:030. Eligibility and classification.

RELATES TO: KRS 230.630(1),(3)

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to set out the eligibility and classification of horses for races and medical tests required.

Section 1. Eligibility Certificate. (1) There shall be an automatic fine of ten dollars (\$10) on the owner if a horse is declared in without first possessing a current U.S.T.A. or validated C.T.A. eligibility certificate at the gait the horse is declared to race. The track shall automatically be fined five dollars (\$5) for accepting a declaration without an eligibility certificate for the proper gait and a track may refuse to accept any declaration without the eligibility certificate for the proper gait first being presented. Telegraphic or telephone declarations may be sent and accepted without penalty, provided the declarer furnished adequate program information but the eligibility certificate must be presented when the horse arrives at the track before he races, or the above fines will be imposed.

(2) The race secretary shall check each certificate and certify to the judges as to the eligibility of all the horses.

[Section 2. Leased Horses. Any horse under lease must race in the name of the lessee and a copy of such lease must be filed with the Kentucky Harness Racing Commission. No horse shall race under lease without an eligibility certificate issued by the United States Trotting Association in the name of the lessee and unless both lessor and lessee are current members of the commission in good standing. Persons violating this rule may be fined, suspended or expelled.]

Section 2. [3.] Sale or Lease During Current Year. When a horse is sold or leased after an eligibility certificate is issued for the current year, the seller or his authorized agent shall endorse the eligibility certificate to the new owner or lessee who may use it providing he immediately sends the registration certificate to the United States Trotting Association for a transfer or sends the United States Trotting Association a copy of the lease, the eligibility certificate following the horse. If the eligibility certificate is not endorsed to him, the new owner or lessee must apply to the United States Trotting Association for an eligibility certificate.

Section 3. [4.] Information Required From Horses Racing at Canadian Tracks. Prior to the declaration, owners of horses having Canadian eligibility certificates shall furnish the racing secretary with a Canadian eligibility certificate completely filled out for the current year, which has a certificate of validation attached thereto.

Section 4. [5.] Tampering With Eligibility Certificates. Persons tampering with eligibility certificates may be fined, suspended or expelled and winnings after such tampering may be ordered forfeited.

Section 5. [6.] Denial of Eligibility Certificate. An

eligibility certificate may be denied to any person refusing to permit his horse to be tattooed.

Section 6. [7.] No eligibility certificate will be issued on a horse coming from a country other than Canada unless the following information certified by the trotting association or governing body of that country from which the horse comes, is furnished:

(1) The number of starts during the preceding year, together with the number of firsts, seconds and thirds for each horse, and the total amount of money won during this period.

(2) The number of races in which the horse has started during the current year, together with the number of firsts, seconds and thirds for each horse and the money won during this period.

(3) A detailed list of the last six (6) starts giving the date, place, track condition, post position or handicap, if it was a handicap race, distance of the race, his position at the finish, the time of the race, the driver's name and the first three (3) horses in the race.

Section 7. [8.] Registration of Standard and Non-Standard Bred Horses. All foals of 1937 and thereafter shall be registered in current ownership either as standard or non-standard with the United States Trotting Association. If registration is properly applied for and all fees paid, an eligibility certificate for one (1) year may be issued and marked "registration applied for."

Section 8. [9.] Racing Season. For purposes of eligibility, a racing season or racing year shall be the calendar year. In recording winnings, gross winnings will be used and odd cents will be dropped and disregarded.

Section 9. [10.] Time Bars. No time records or bars shall be used as an element of eligibility.

Section 10. [11.] Date When Eligibility is Determined. (1) Horses must be eligible when entries close but winnings on closing date of eligibility shall not be considered.

(2) In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

Section 11. [12.] Conflicting Conditions. In the event there are conflicting published conditions and neither is withdrawn by the track, the more favorable to the nominator shall govern.

Section 12. [13.] (1) Standards for Overnight Events. The race secretary should prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting. The standards shall be posted at a place in which declarations are made and printed on all condition and qualifying sheets.

(2) Where time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two (2) seconds allowance in relation to pacers.

Section 13. [14.] Posting of Overnight Conditions. (1) Conditions for overnight events must be posted at least eighteen (18) hours before entries close at meetings other than extended pari-mutuel meetings.

(2) At extended pari-mutuel meetings, condition books will be prepared and races may be divided or substituted

races may be used only where regularly scheduled races fail to fill, except where they race less than five (5) days a week. Such books containing at least three (3) days racing programs will be available to horsemen at least twenty-four (24) hours prior to closing declarations on any race program contained therein. When published the conditions must be clearly stated and not printed as TBA—To Be Announced.

(3) The race secretary shall forward copies of each condition book and overnight sheet to the commission office as soon as they are available to the horsemen.

Section 14. [15.] Types of Races to be Offered. (1) In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

(a) Stakes and futurities.

(b) Early closing and late closing events.

(c) Conditioned races.

(d) Claiming races.

(e) Preferred races limited to the fastest horses at the meeting. These may be free-for-all races, JFA, or invitations. Horses to be used in such races shall be posted in the race secretary's office and listed with the presiding judge. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list. Twelve (12) such races may be conducted during a six (6) day period of racing at tracks distributing more than \$100,000 in overnight purses during such period and not more than ten (10) such races shall be conducted at other tracks during a six (6) day period of racing, provided that at least two (2) of these races are for three (3) year olds, four (4) year olds, or combined three (3) and four (4) year olds. At tracks which race less than five (5) days per week, not more than ten (10) such races may be conducted during a six (6) day period. Purses offered for such races shall be at least fifteen (15) percent higher than the highest purse offered for a conditioned race programmed the same racing week.

(2) No two (2) year old or three (3) year old will be eligible to be placed on the preferred or invitational list to race against older horses until it has won seven (7) races unless requested by the owner or authorized agent. The owner or authorized agent may withdraw such request at his discretion.

(3) Where a meeting is in progress in December and continues in January of the subsequent year, races and earnings won at that meeting may be computed in determining whether a horse may be placed on the preferred list.

Section 15. [16.] Limitation on Conditions. Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in normal preference cycles. Where the word "preferred" is used in a condition it shall not supersede date preference. Not more than two (2) also eligible conditions shall be used in writing the conditions for any overnight event, nor may any multiple conditions be used.

Section 16. [17.] Dashes and Heats. Any dash or heat shall be considered as a separate race for the purposes of conditioned racing.

Section 17. [18.] Named Races. Named races are not permitted except for preferred races for the fastest horses at a meeting as set forth in Section 15(1)(e) above and invitational two (2), three (3) or four (4) year old races with a purse at least fifteen (15) percent higher than the highest

purse offered for a conditioned race programmed the same racing week.

Section 18. [19.] Selection or Drawing of Horses. For all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in, except that a race secretary must establish a preference system for races as provided for in 811 KAR 1:055, Section 5. However, where necessary to fill a card, not more than one (1) race per day may be divided into not more than two (2) divisions after preference has been applied and the divisions may be selected by the racing secretary. For all other overnight races that are divided the division must be by lot unless the conditions provide for a division based on performance, earnings or sex.

Section 19. [20.] Posting Requirements. (1) Names of all horses at the track ready to race shall be posted by gait in the declaration room, together with all the pertinent information concerning such horse which may be required to determine eligibility of such horse to condition races offered at the track. There shall be a separate posting of two (2), three (3) and four (4) year olds.

(2) Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed, and will appear on the eligibility certificate issued for the subsequent year. Such distribution shall not affect the current eligibility until placed on the next eligibility certificate.

Section 20 [21.] Rejection of Declaration. (1) The racing secretary may reject the declaration on any horse whose eligibility certificate was not in his possession on the date the condition book is published.

(2) The racing secretary may reject the declaration on any horse whose past performance indicates that he would be below the competitive level of other horses declared, provided the rejection does not result in a race being cancelled.

Section 21. [22.] Substitute and Divided Races. (1) Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into two (2) divisions shall be used only if regularly scheduled races fail to fill.

(2) If a regular race fills it shall be raced on the day it was offered.

(3) Overnight events and substitutes shall not be carried to the next racing day.

Section 22. [23.] Opportunities to Race. A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race. Claiming races may be carded to the proportion of each week's racing program as the number of claiming authorizations on file with the racing secretary bears to the total number of horses on the grounds which are qualified and available for racing.

Section 23. [24.] Qualifying Races. A horse qualifying in a qualifying race for which no purse is offered shall not be deprived by reason of such performance of his right to start in any conditioned race.

Section 24. [25.] Definition of "Start." The definition of the word "start" in any type of condition unless

specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

Section 25. [26.] Sandwiching Races. Not more than five (5) races may be sandwiched.

Section 26. [27.] Equine Infectious Anemia. (1) When it is determined that a horse is infected with, and/or is a carrier of Equine Infectious Anemia by means of the "Gel Immuno-Diffusion" method developed by Dr. Leroy Coggins, hereinafter known as the "Coggins Test" and conducted by an approved laboratory, such horse shall, thereafter, be prohibited from racing and/or being stabled at a licensed track.

(2) A negative "Coggins Test Certificate" properly identifying the horse by tattoo number issued by an approved laboratory, certifying that within the prior twelve (12) months the horse has been tested negative shall be presented to a track representative before any horse will be allowed entrance to, or allowed to remain upon, the grounds of a track conducting meetings.

(3) Declarations shall not be accepted for any horse to any race unless the declarer has furnished the race secretary with a negative "Coggins Test" written certificate for that horse, as required by subsection (2) above.

(4) No eligibility or validation certificate shall be issued for a horse from which a positive "Coggins Test" has been reported. If an eligibility or validation certificate is issued and it is determined thereafter that the horse for which the certificate has been issued has Equine Infectious Anemia and/or is a carrier thereof, the certificate must be returned immediately by the holder to the United States Trotting Association.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Carl B. Larsen, Supervisor of Racing, Kentucky Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

#### **PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)**

#### **811 KAR 1:035. Claiming races.**

RELATES TO: KRS 230.630(1),(3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate claiming races.

Section 1. Who May Claim. A horse entered in a claiming race may be claimed for its entered price by a licensed horse owner who has a horse programmed to start in a pari-mutuel race at that meeting, or by a licensed horse owner who has received a claim certificate from the commission, or by any person who has qualified for a license as a horse owner and who has received a claim certificate from the commission. An authorized agent may claim for a qualified owner. To qualify for a license as an owner, the

applicant must have a current United States Trotting Association membership as an owner or membership as an associate-member. Any person seeking to effect a false claim by inducing another to claim a horse for him will be subject to the penalties provided by Section 9 herein.

Section 2. Prohibitions. (1) No person shall claim his own horse nor shall he claim a horse trained or driven by him.

(2) No person shall claim more than one (1) horse in a race.

(3) No qualified owner or his agent shall claim a horse for another person.

(4) No owner shall cause his horse to be claimed directly or indirectly for his own account.

(5) No person shall offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race.

(6) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the clerk of the course of the track conducting such claiming race.

Section 3. Claiming Procedure. (1) Owner's credit. The owner must have to his credit with the track giving the race an amount equivalent to the specified claiming price plus the existing Kentucky sales tax and requisite fees for transfer of registration. By accepting the claim, the racetrack assumes responsibility for payment to the owner of the horse claimed. The money due for a claimed horse is to be paid to the owner losing said horse within forty-eight (48) hours (Sundays excepted) by the track, provided that said horse has a current test complying with subsection (14) of this section.

(2) Owner's consent. No declaration may be accepted unless written permission of the owner is filed with the race secretary at the time of declaration.

(3) Program. The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

(4) Claim box. All claims shall be in writing, sealed and deposited at least fifteen (15) minutes before the time originally scheduled for the race to begin in a locked box provided for this purpose by the association.

(5) Opening of claim box. No official shall open said box or give any information on claims filed until after the horses leave the paddock for the post parade. Immediately after the race, the claim box shall be opened and the claim, if any, examined by the judges.

(6) Multiple claims on same horses. Should more than one (1) claim be filed for the same horse, the owner shall be determined by lot by the judges.

(7) Delivery of claimed horse. A horse claimed shall be delivered immediately by the original owner or his trainer to the successful claimant upon authorization of the presiding judge. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. The hopple measurements of a claimed horse must be made available to the successful claimant by the paddock judge.

(8) Refusal to deliver claimed horse. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(9) Vesting of title to claimed horse. Every horse claimed shall race in all heats or dashes of the event in the interest

and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the time the word "go" is given in the first heat or dash, and said successful claimant shall become the owner of the horse whether it be alive or dead or sound or unsound, or injured during the race or after it; provided, however, that the final vesting of title to a claimed horse is subject to the conditions and provisions of subsection (14) of this section.

(10) Affidavit by claimant. The judges may require any person making a claim for a horse to make affidavit that he is claiming said horse for his own account or as authorized agent and not for any other person. Any person making such affidavit willfully and falsely shall be subject to punishment as hereinafter provided.

(11) Penalty for thirty (30) days. [For a period of thirty (30) days after the claim,] A claimed horse *may* [shall not] start in a race in which the claiming price is less than the price at which it was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse may be entered whenever necessary so that the horse may start on the 31st calendar day following the claim for any claiming price. If a horse is claimed no right, title or interest therein shall be sold or transferred except in a claiming race for a period of thirty (30) days following the date of claiming. Further, such horse shall be required to continue to race at the track where claimed for a period of thirty (30) days or the balance of the current racing meeting whichever comes first.

(12) Return of claimed horse to owner or stable. No horse claimed out of a claiming race shall be eligible to start in any race in the name or interest of the original owner for thirty (30) days, nor shall such horse remain in the same stable, or under the care or management of the first owner or trainer, or anyone connected therewith unless reclaimed out of another claiming race.

(13) Scratched horse. A horse scratched from a claiming race is not eligible to be claimed. The owner or trainer of a horse entered in a subsequent claiming race may request the judge to scratch the horse from that race.

(14) Blood sample where horse is claimed. No blood sample shall be taken of a horse which has been claimed, if said horse has a valid veterinarian certificate within twelve (12) months of said claim, which certificate includes the horse's lip tattoo number and which is negative for Equine Infectious Anemia. In the event that said horse does not have said certificate, then a blood sample shall be taken immediately after the race in the paddock by a licensed veterinarian, and the sample identified as being from a claimed horse shall be forwarded within twenty-four (24) hours to an approved laboratory to be tested for Equine Infectious Anemia. Pending the receipt of a negative test for Equine Infectious Anemia the monies paid for the claimed horse shall be held by the track. In the event of a positive test for Equine Infectious Anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by said owner and the test may be waived by the claimant at his discretion by so indicating on the claiming slip.

Section 4. Subject to the conditions of Section 3(14), the track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant and shall withhold and pay the Kentucky sales tax to the Commonwealth as required by law.

Section 5. Claiming Conditions. Whenever possible claiming races shall be written to separate horses five (5) years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a twenty (20) percent minimum price allowance, provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race. An allowance for age shall be given. Two (2) year-olds shall be given a 100 percent allowance, three (3) year-olds fifty (50) percent allowance, and four (4) year-olds twenty-five (25) percent allowance. Claiming races for two (2) year-olds may be conditioned. Claiming races for three (3) year-olds may be conditioned. The lowest claiming class written at a specific meeting may be conditioned.

Section 6. Minimum Price. No claiming race shall be offered permitting claims for less than the minimum purse offered at that time during the same racing week.

Section 7. Determination of Claiming Price. Except as provided in Section 3(11), and except as provided in 811 KAR 1:030, Section 21, no horse owner shall be prohibited from determining the price for which his horse shall be entered.

Section 8. The current registration certificate of all horses entered in claiming races must be on file with the racing secretary together with a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed. To facilitate transfer of claimed horses the presiding judge may sign the transfer provided that he then send the registration certificate and claiming authorization to the registrar for transfer.

Section 9. Any person violating any of the provisions of this regulation shall be fined, suspended or expelled.

Section 10. Fraudulent Claim. (1) If the judges determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer they may void the claim and at the option of the claimant order the horse returned to the person declaring it in.

(2) If the judges determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it in.

Section 11. (1) Should any stable be eliminated by sale or removal from the grounds, the right to claim is void. However, when a stable has been eliminated by claiming, the owner so affected shall have the right to claim a horse during the next thirty (30) racing days at any recognized meeting in this state even though all or a portion of the next thirty (30) racing days take place in the following calendar year. The owner or trainer of a stable eliminated by claiming shall get a written statement from the deputy commissioner or his assistant stating the date and place that the said stable was eliminated by claiming. Should such stable acquire a horse before availing itself of the privilege, then the privilege shall be void.

(2) Should any stable be eliminated by fire or other hazards, such stable shall have claiming privilege under the conditions indicated for the stable eliminated by claiming,

at the discretion of the deputy commissioner or his assistant.

CARL B. LARSEN, Supervisor of Racing  
ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

#### **PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)**

##### **811 KAR 1:040. Stakes and futurities.**

RELATES TO: KRS 230.630(1),(3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate stakes and futurities.

Section 1. (1) All stake and futurity sponsors or presentors shall make an annual application for approval containing the following:

(a) Satisfactory evidence of financial responsibility.

(b) Proposed conditions.

(c) Sums to be deducted for organization or promotion.

(d) An agreement to file with the commission a surety bond in the amount of the fund, conditioned on faithful performance of the conditions, including a guarantee that said stake or futurity will be raced as advertised in said conditions unless unanimous consent is obtained from owners of eligibles to transfer or change the date thereof, or unless prevented by an act of God or conditions beyond the control of the sponsor, segregation of funds and making all payments. In any instance where an association furnishes the commission substantial evidence of financial responsibility satisfactory to the commission, such evidence may be accepted in lieu of surety bond.

(2) Waiver of bond. The requirement of a bond may be waived by the commission upon written request of a sponsor who is a track member and whose financial statement shows a net worth of five (5) times the amount of trust funds received from payments in state and futurities. Where this is permitted, the sponsor will furnish a certified copy of the bank deposit in lieu of bond. Where bond is posted with the United States Trotting Association, the commission may waive the requirements of Section 1(1)(d) above.

(3) Trust funds. Collections resulting from the forfeiting of any bond will be paid to the contestants according to the order of finish, or in the event the race is not contested, will be divided equally among owners or eligibles on the date the breach of conditions occurs.

(4) Appeal of application rejection. An applicant may appeal the rejection of an application to the commission within twenty (20) days after the mailing of the notice of rejection by registered mail.

(5) Receipt of printed conditions. The commission must receive printed conditions of all stakes and futurities by closing date of said stakes and futurities.

(6) Conflicting conditions. Stakes and futurities conditions which conflict with the commission's rules and regulations may be refused.

(7) The sponsors and presentors shall:

(a) List of nominations. Mail list of nominations within sixty (60) days after the date of closing to the commission.

(b) Financial statement. Furnish the commission with an annual financial statement of each stake or futurity, and within thirty (30) days following the day of the race, submit to the commission a final financial statement.

(c) Failure to fill. Notify all nominators and the commission within twenty (20) days if the stake or futurity does not fill.

(d) List of eligibles. Shall mail within twenty (20) days a complete list of all horses remaining eligible, segregated by age, sex and gait, to the commission; and shall mail within twenty (20) days following the last payment before the starting fee, a complete list of all horses remaining eligible, segregated by age, sex and gait, to the owners or agents of all eligibles and the commission, together with a list of any nominations transferred or substituted if such is permitted by the conditions. The list of eligibles shall also include a resume indicating the current financial status of the stake and futurity, or of each individual division thereof if there is more than one (1) division, by listing the number of horses remaining eligible, the amount of money that has been paid in and the amount to be added. The purse shall constitute this amount plus starting fees, if any.

(e) Nominating and sustaining payment dates. Shall set the nominating date and the dates for all sustaining payments except the starting fee on the fifteenth day of the month, and there shall be no payments on yearlings except a nomination payment and such nomination payment shall be due not later than August 15. Before taking any sustaining payments during the year the race is to be contested, the date and place of the race shall be stated. No stake or futurity sustaining fee shall become due prior to February 15 of any year. There shall be no conditions that call for payments in stakes or futurities to fall due after August 15 and before February 15 of the following year. Beginning with stakes and futurities closing in 1975 and thereafter, the date for closing of the nominations of yearlings to stakes shall be May 15 and the date for closing of the nominations to futurities shall be July 15. No more than one (1) sustaining payment on two (2) year olds in stakes and futurities that do not have a two (2) year old division will be permitted. No more than two (2) sustaining payments on any horse of any age in any calendar year with the exception of the starting fee will be approved.

(f) Notice of place and date of race. Shall, if possible, advertise the week and place the stake or futurity will be raced before taking nominations. Otherwise, announcement of the week and place shall be made as soon as the stake or futurity is sold or awarded.

(8) Forms. All nominations and entry forms, lists of nominations and lists of eligibles shall be on standard eight and one-half (8½) by eleven (11) paper. Such lists shall list the owners alphabetically.

(9) Estimated purse. No estimated purse shall be advertised or published in excess of the actual purse paid or distributed during the previous year, unless increased by guaranteed added money. No stake or futurity shall be raced for less than seventy-five (75) percent of the average estimated purse.

Section 2. Sponsor's Contribution. (1) The sum contributed by a sponsor who is not a track member shall be

considered forfeit and is to be included in the sum distributed in the event the stake or futurity is not raced.

(2) Effective, with stakes and futurities opened in 1975 and thereafter, no stake or futurity shall be approved for extended pari-mutuel meetings if the added money is not at least thirty (30) percent of the purse and for all other meetings at least ten (10) percent of the purse shall be added.

(3) In the event a stake or futurity is split into more than two (2) divisions, the added money for each division shall be at least twenty (20) percent of all nomination, sustaining and starting fees paid into such stake or futurity. In the event a stake or futurity is split into two (2) divisions, each division must race for at least seventy-five (75) percent of the advertised purse, *except in the Kentucky Standardbred Development Fund the stallion fees, the nominating fees, the sustaining fees and the declaration fees shall be added to the advertised purse and each division shall race for an equal part thereof.*

Section 3. Failure to Make Payment. Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.

Section 4. Refund of Nomination Fee. In the event that a mare nominated to a futurity fails to have a live foal, the nominator shall receive a return on his payment upon notification by December 1 of the year of not foaling, or if the conditions so provide, he may substitute.

Section 5. Beginning with stakes and futurities closing in 1975 and thereafter, no sponsor shall pay monetary awards to nominators or breeders out of stake or futurity funds.

Section 6. Deductions Prohibited. No deduction, voluntary or involuntary, may be made from any purse or stake, or futurity except that if the conditions specifically so provide reasonable deductions may be made for clerical, printing, postage and surety bond expenses specifically related to such purse, stake or futurity.

Section 7. Unless otherwise specified in the conditions of a stake or futurity, the money division shall be:

(1) Five (5) or more starters, the following percentages: fifty (50), twenty-five (25), twelve (12), eight (8) and five (5).

(2) Four (4) starters only, the following percentages: fifty (50), twenty-five (25), fifteen (15) and ten (10).

(3) Three (3) starters only, the following percentages: sixty (60), thirty (30) and ten (10).

(4) Two (2) starters only, the following percentages: sixty-five (65) and thirty-five (35).

Section 8. If the sponsor has failed to comply with the provisions of this regulation, the commission shall be authorized to refuse renewals of such stakes and futurities and/or to impose a fine not to exceed \$100.

CARL B. LARSEN, Supervisor of Racing  
ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary  
RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:050. Entries and starters; split races.**

RELATES TO: KRS 230.630(1), (3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate entries and starters; split races.

Section 1. (1) Tracks must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested except when declared off as provided in 811 KAR 1:060.

(2) In early closing events, or late closing events, if five (5) or more interests are declared in to start, the race must be contested, except when declared off. Stakes and futurities must be raced if one or more horses are declared in to start except when declared off as provided in 811 KAR 1:060.

(3) In an early closing event, if less horses are declared in than are required to start, and all declarers are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all the entrance money and any forfeits from each horse named.

Section 2. Elimination Heats or Two Divisions. (1) In any race where the number of horses declared in to start exceeds twelve (12) on a half-mile track or sixteen (16) on a larger track, the race, at the option of the track conducting same, stated before positions are drawn, may be raced in elimination heats. No more than two (2) tiers of horses, allowing eight (8) feet per horse, will be allowed to start in any race.

(2) (a) Where the race is divided, each division must race for at least seventy-five (75) percent of the advertised purse.

(b) In an added money early closing event the race may be divided and raced in divisions and each division raced for an equal share of the total purse if the advertised conditions so provide; provided, however, extended meetings shall add an additional amount so that each division will race for seventy-five (75) percent of the total of the advertised purse and added money. These provisions shall apply to any stake or early closer with a value of \$20,000 or less.

(3) In any stake race or futurity, where the conditions state that the event shall be raced one (1) dash on a race track of less than a mile at an extended pari-mutuel meeting, and where the number of horses declared in to start exceed twelve (12), the race, at the option of the racing association conducting the same, stated before positions are drawn, may be divided by lot and raced in two (2) elimination divisions with all money winners from both divisions competing in the final. Each division shall race one (1) elimination heat for twenty (20) percent of the total of the purse. The remainder of the purse shall be distributed to the money winners in the final.

Section 3. Elimination Plans. (1) Whenever elimination heats are required, or specified in the published conditions such race shall be raced in the following manner unless conducted under another section of this rule and regulation. That is, the field shall be divided by lot and the first division shall race a qualifying dash for thirty (30) percent

of the purse, the second division shall race a qualifying dash for thirty (30) percent of the purse and the horses so qualified shall race in the main event for forty (40) percent of the purse. The winner of the main event shall be the race winner.

(2) In the event there are more horses declared to start than can be accommodated by the two (2) elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into sixty (60). The main event will race for forty (40) percent of the purse.

(3) Unless the conditions provide otherwise, if there are two (2) elimination dashes, the first four (4) finishers in each dash qualify for the final; if three (3) or more elimination dashes, not more than three (3) horses will qualify for the final from each qualifying dash.

(4) The judges shall draw the positions in which the horses are to start in the main event; i.e., they shall draw positions to determine which of the dash winners shall have the pole, and which the second position; which of the two (2) horses that have been second shall start in third position; and which in fourth, etc. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night, unless special provisions for earlier elimination dashes are set forth in the conditions.

(5) In the event there are three (3) separate heat or dash winners and they alone come back in order to determine the race winner according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.

(6) In any race where the number of horses declared in to start exceeds twelve (12) on a half-mile track or sixteen (16) on a mile track, unless other numbers are specified in the conditions, the race, at the option of the track members conducting the same, stated before positions are drawn may be divided by lot and raced in two (2) divisions with all heat winners from both divisions competing in a final heat to determine the race winner. Each division shall race two (2) heats for twenty (20) percent of the purse each heat. The remaining twenty (20) percent of the purse shall go to the winner of the final heat.

(7) Whenever elimination heats are required, or specified in the published conditions of a stake or futurity, such race may be raced on the three (3) heat plan, irrespective of any provisions in the conditions to the contrary, unless such published conditions provide otherwise. That is, the field shall be divided by lot and the first division shall race for thirty (30) percent of the purse, the second division shall race for thirty (30) percent, and the horses qualifying in the first and second divisions shall race the third heat for thirty (30) percent of the purse. If, after the third heat, no horse has won two (2) heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining ten (10) percent of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in Section 3 of this regulation.

Section 4. Overnight Events. Not more than eight (8) horses shall be allowed to start on a half-mile track in overnight events and not more than ten (10) horses on larger tracks at extended pari-mutuel meetings allowing eight (8) feet per horse, *except in trifecta races nine (9) starters shall be allowed on a half-mile track.*

Section 5. Qualifying Race for Stake, etc. Where quali-

fying races are provided in the conditions of an early closing event, stake or futurity, such qualifying race must be held not more than five (5) days prior to contesting the main event (excluding Sunday) and omitting the day of the race.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:070. Licensing; owners, drivers, trainers, grooms and agents.**

RELATES TO: KRS 230.630(1),(3), 230.640, 230.700, 230.710

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to set out the requirements of and to provide for the licensing of owners, trainers, drivers, grooms and agents.

Section 1. Owners. Every person owning a horse that is entered at a race meeting licensed by the commission shall be required to obtain a license from the commission and the United States Trotting Association. Said application shall be on forms provided by the commission and shall be filed at any commission office. Such license shall be presented to the clerk of the course at the time said horse is entered in a race.

*Section 2. Leased Horses. Any horse under lease must race in the name of the lessee and a copy of such lease must be filed with the Kentucky Harness Racing Commission. No horse shall race under lease without an eligibility certificate issued by the United States Trotting Association in the name of the lessee and unless both lessor and lessee are current members of the commission in good standing. Persons violating this rule may be fined, suspended or expelled.*

Section 3. [2.] Driver's Application for License. Every person desiring to drive a harness horse at a race meeting licensed by the commission shall be required to obtain a license from the commission and the United States Trotting Association. Such application shall be on forms provided by the commission. Applications may be filed at any commission office. Such license shall be presented to the clerk of course before driving. Pending a valid license by the United States Trotting Association, the commission may, at its discretion, issue a provisional or full driver's license to those who qualify as hereinafter set out.

Section 4. [3.] Qualification for a Provisional and/or Full Driver's License. (1) Every applicant for a provisional license to drive a harness horse at a race meeting licensed by the commission in addition to any other requirements mentioned herein shall:

(a) Submit evidence of good moral character.

(b) Submit evidence of his ability to drive in a race and, if he is a new applicant, this must include the equivalent of one (1) year's training experience.

(c) Be at least eighteen (18) years of age.

(d) Furnish a completed application form.

(e) Submit satisfactory evidence of an eye examination indicating <sup>20</sup>/<sub>40</sub> corrected vision in both eyes, or if one (1) eye blind, at least <sup>20</sup>/<sub>30</sub> corrected vision in the other eye; and, when requested, submit evidence of physical and mental ability and/or submit to a physical examination.

(f) No person sixty (60) years of age or older who has never held any type of driver's license previously shall be issued a driver's license.

(g) When requested, submit a written examination at a designated time and place to determine his qualifications to drive and his knowledge of racing and the rules. In addition, any driver who presently holds a license and wishes to obtain a license in a higher category, who has not previously submitted to such written test, shall be required to take a written test before becoming eligible to obtain a license in a higher category.

(h) No applicant who has previously held any type of driver's license shall be subsequently denied a driver's license solely on the basis of age.

(2) A full license will be granted to an applicant who qualifies for a provisional license and has acquired:

(a) At least one (1) year's driving experience while holding a provisional license from the United States Trotting Association.

(b) Twenty-five (25) satisfactory starts in the calendar year preceding the date of his application at an extended pari-mutuel meeting.

(3) In the event any person is involved in an accident on the track, the commission may order such person to submit to a physical examination and such examination must be completed within thirty (30) days from such request or his license may be suspended until compliance therewith.

(4) All penalties imposed on any driver may be recorded on the reverse side of his commission driver's license by the presiding judge.

(5) The Kentucky Harness Racing Commission reserves the right to require any driver to take a physical examination at any time.

Section 5. [4.] Trainers' Application for License. An applicant for a license as trainer shall be licensed by the United States Trotting Association and must be at least eighteen (18) years of age and satisfy the commission that he possesses the necessary qualifications both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a trainer in the preparation, training, entering and managing of horses for racing.

Section 6. [5.] Absence of Trainers. When any licensed trainer is absent from a racing meet for more than six (6) days, it shall be the duty of the trainer to appoint and have properly licensed a new trainer of record.

Section 7. [6.] Grooms' Application for License. An applicant for a license as a groom must satisfy the commission that he possesses the necessary qualifications, both mental and physical to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a

groom. No license shall be issued to applicants under sixteen (16) years of age.

Section 8. [7.] (1) The holder of a license issued by the United States Trotting Association or a holder of a license issued by the Kentucky Harness Racing Commission for the prior year, may be presumed to be qualified to receive a license, all others must be tested by the deputy commissioner (supervisor of racing), his assistant, or agent of the commission, at such locations as shall be designated by the commission as to the capability of said applicant for a license to perform the functions required of him. Said tests shall be either in writing or by demonstrations or both and shall be administered in a uniform manner. The cost of said testing shall be borne by the applicant.

(2) A holder of a current qualifying license issued by the United States Trotting Association may be allowed to drive a horse that is already qualified, however, if the horse does not meet the standards of the meeting, the horse shall be placed on the stewards list. If a race is held solely for qualifying drivers, the race may not be charted. A race solely for qualifying drivers must have more than four (4) starters.

Section 9. [8.] The following shall constitute disorderly conduct and be reason for a fine, suspension, or revocation of an owner's, driver's, trainer's, or groom's license:

(1) Failure to obey the judges' or other officials' orders that are expressly authorized by the rules of this commission.

(2) Failure to drive when programmed unless excused by the judges.

(3) Drinking intoxicating beverages within four (4) hours of the first post time of the programs on which he is carded to drive.

(4) Appearing in the paddock in an unfit condition to drive.

(5) Fighting.

(6) Assaults.

(7) Offensive and profane language.

(8) Smoking on the track in colors during actual racing hours.

(9) Warming up a horse prior to racing without colors.

(10) Disturbing the peace.

(11) Refusing to take a breath analyzer test when directed by the presiding judge, deputy commissioner (supervisor of racing), or assistant deputy commissioner (assistant supervisor of racing).

Section 10. [9.] Colors and Helmet. Drivers must wear distinguishing colors, and clean white pants, and shall not be allowed to start in a race or other public performance unless in the opinion of the judges they are properly dressed. No one shall drive during the time when colors are required on a race track unless he is wearing a type of protective helmet, constructed with a hard shell, and containing adequate padding and a chin strap in place. This shall include drivers of prompters during time trials.

Section 11. [10.] Misconduct in Colors. Any driver wearing colors who shall appear at a betting window or at a bar or in a restaurant dispensing alcoholic beverages shall be fined not to exceed \$100 for each such offense.

Section 12. [11.] Driver Change. No driver can, without good and sufficient reasons, decline to be substituted by the judges. Any driver who refuses to be so substituted may be fined or suspended, or both by order of the judges.

Section 13. [12.] Amateur Definition. An amateur driver is one who has never accepted any valuable consideration by way of or in lieu of compensation for his services as a trainer or driver during the past ten (10) years.

Section 14. [13.] Registered Colors. Drivers holding an "A" license or drivers with a "V" license who formerly held an "A" license, shall register their colors with the United States Trotting Association. Registered stables or corporations may register their racing colors with the United States Trotting Association.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

#### PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

##### 811 KAR 1:090. Stimulants and drugs.

RELATES TO: KRS 230.630(1), (3), 230.640, 230.700

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to provide for the testing of horses for stimulants and drugs and the regulation of stimulants and drugs.

Section 1. (1) At every meeting except as stated herein where pari-mutuel wagering is permitted, the winning horse in every heat and/or race shall be subjected to a urine test and/or a blood test and the winning horse and second place horse in every perfecta or quinella race may be subjected to a urine test and/or a blood test for the purpose of determining thereby the presence of any drug, stimulant, sedative, depressant, or medicine. The winning horse and/or the second and third horses in a trifecta may be tested the same as in the rule above. Also, the judges may order any horse in a race to be subjected to a urine, blood and/or saliva test. Such tests shall be made only by qualified veterinarians and by laboratories designated by the commission. In addition to the above, the winning horse and second horse in every heat or dash of a race at any track with a total purse in excess of \$5,000 may be subjected to both blood and a urine test.

(2) The commission may, in its discretion, or at the request of a member, authorize or direct a saliva, blood, urine or other test of any horse racing at any meeting.

Section 2. (1) During the taking of the blood and/or urine sample by the veterinarian, the owner, trainer or authorized agent may be present at all times. Samples so taken shall be placed in two (2) containers and shall immediately be sealed and the evidence of such sealing indicated thereon by the signature of the representative of the owner or trainer. One (1) part of the sample is to be placed in a depository under the supervision of the presiding judge and/or any other agency the commission may designate to be safeguarded until such time as the

report on the chemical analysis of the other portion of the split sample is received.

(2) Should a positive report be received, an owner or trainer shall have the right to have the other portion of the split sample inserted in with a subsequent group being sent for testing or may demand that it be sent to another chemist for analysis, the cost of which will be paid by the party requesting the test.

Section 3. (1) Whenever there is a positive test finding the presence of any drug, stimulant, sedative or depressant present, in the post-race test, the laboratory shall immediately notify the presiding judge who shall immediately report such findings to the commission.

(2) When a positive report is received from the laboratory by the presiding judge, the persons held responsible shall be notified and a thorough investigation shall be conducted by or on behalf of the judges. A time shall be set by the judges for a hearing to dispose of the matter. The time set for the hearing shall not exceed four (4) racing days after the responsible persons were notified. The hearing may be continued, if in the opinion of the judges, circumstances justify such action.

(3) Should the chemical analysis of saliva, blood, urine or other sample of the post-race test taken from a horse indicate the presence of a forbidden narcotic, stimulant, depressant, or local anesthetic, it shall be considered prima facie evidence that such has been administered to the horse.

(4) Upon receipt of written notification of a positive test finding, the judges shall *not* cause the immediate suspension of the horse from further participation in racing [pending the outcome of a hearing].

Section 4. Any person or persons who shall administer or influence or conspire with any other person or persons to administer to any horse any drug, medicament, stimulant, depressant, narcotic or hypnotic to such horse within forty-eight (48) hours of his race, shall be subject to penalties provided in this rule. *No horse shall be tubbed in ice in the paddock prior to their racing commitment.*

Section 5. Whenever the post-race test or tests prescribed in Section 1 disclose the presence in any horse of any drug, stimulant, depressant or sedative, in any amount whatsoever, it shall be presumed that the same was administered by the person or persons having control and/or care and/or custody of such horse with the intent thereby to affect the speed or condition of such horse and the result of the race in which it participated.

Section 6. A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start a horse or permit a horse in his custody to be started if he knows, or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has received any drug, stimulant, sedative, depressant, medicine or other substance that could result in a positive test. Every trainer must guard or cause to be guarded each horse trained by him in such manner and for such period of time prior to racing the horse so as to prevent any person not employed by or connected with the owner or trainer from administering any drug, stimulant, sedative, depressant, or other substance resulting in a post-race positive test.

Section 7. Any owner, trainer, driver or agent of the owner, having the care, custody and/or control of any

horse who shall refuse to submit such horse to a saliva test or other tests as herein provided or ordered by the judges shall be guilty of a violation of this rule. Any horse that refuses to submit to a pre-race blood test shall be required to submit to a post-race saliva and urine test regardless of its finish.

Section 8. Any horse in which an offense was detected under any section of this rule shall be placed last in the order of finish and all winnings of such horse shall be forfeited and paid over to the commission for redistribution among the remaining horses in the race entitled to same. No such forfeiture and redistribution of winnings shall effect the distribution of the pari-mutuel pools at tracks where pari-mutuel wagering is conducted, when such distribution of pools is made upon the official placing at the conclusion of the heat or dash.

Section 9. Pre-Race Blood Test. Where there is a pre-race blood test which shows that there is an element present in the blood indicative of a stimulant, depressant or any unapproved medicament, the horse shall immediately be scratched from the race and an investigation conducted by the officials to determine if there was a violation of Section 4.

Section 10. Hypodermic Syringe Prohibited. No person except a licensed veterinarian approved by the commission shall have within the grounds of a licensed harness race track in or upon the premises which he occupies, or has a right to occupy, or in his personal property or effects any hypodermic syringe, hypodermic needle, or other devices which can be used for the injection or other infusion into a horse of a drug, stimulant or narcotic. Every licensed harness racing association upon the grounds of which horses are lodged or kept, is required to use all reasonable effort to prevent violation of this rule.

Section 11. (1) All veterinarians practicing on the grounds of an extended pari-mutuel meeting shall keep a log of their activities on a form provided by the commission and shall submit a copy of it to the commission office of the track each day of a race meeting. The log shall include:

- (a) Name of horse;
- (b) Nature of ailment;
- (c) Type of treatment;
- (d) Date and hour of treatment.

(2) It shall be the responsibility of the veterinarian to report to the presiding judge any internal medication given by him by injection or orally to any horse after he has been declared to start in any race.

Section 12. (1) Any veterinarian practicing veterinary medicine on a race track where a race meeting is in progress or any other person using a needle or syringe shall use only one (1) time disposable type needles and a disposable needle shall not be reused. The disposable needles shall be kept in his possession until disposed of by him off the track.

(2) No veterinarian, assistant veterinarian or employee of same shall leave a needle or syringe with anyone on a race track where a race meeting is in progress except upon written authorization from the commission.

Section 13. (1) The commission veterinarian or a practicing veterinarian, licensed by the Kentucky Harness Racing Commission, may prescribe the use of lasix for a bleeder, providing the veterinarian actually sees said horse

bleed, or the horse is scoped by a veterinarian and declared a bleeder.

(2) The aforementioned horse shall be treated and shall perform in a qualifying race and meet the standards of the meeting before being entered to race again.

(3) A lasix use form (blue) must be submitted to the commission office at the track for approval of the use of lasix.

(4) Each time the horse treated with lasix races, a form (yellow) must be submitted to the commission office at the track.

(5) If a trainer no longer wishes to use lasix, a form (white) must be submitted to the commission office at the track; and the horse must perform in a qualifying race without lasix and meet the standards of the meeting before being allowed to race without lasix. To be permitted to use lasix again the horse must meet the requirements of subsection (2) of this section. Said horse may again race on lasix, but must race with lasix the balance of the meeting.

(6) Horses racing on lasix at one (1) meeting in Kentucky and racing at another meeting in Kentucky need not qualify, but will have to submit the necessary forms to the commission office.

(7) It is the responsibility of the trainer to submit all necessary forms.

(8) The horse may be treated with lasix orally or systemically.

(9) Lasix found in the chemical test of a horse not registered to race with lasix shall be judged a positive.

Section 14. The penalty for violation of any sections of this rule, unless otherwise provided, shall be a fine of not to exceed \$5,000, suspension for a fixed or indeterminate time, or both; or expulsion.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:120. Licensing of race meetings.**

RELATES TO: KRS 230.630(1), (3), 230.640, 230.680, 230.690

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate the licensing of race meetings.

Section 1. Application for License. Application for licenses to conduct harness racing meets shall be made on forms furnished by the commission. Such application shall be verified under oath.

Section 2. Information. The application shall contain the following information for commission approval:

(1) An inventory of all property owned or leased by the applicant in any manner connected with the race track at which the proposed meeting is to be held.

(2) Financial statement. A financial statement certified by a licensed certified public accountant, consisting of a balance sheet showing applicant's financial condition at the end of the last fiscal year, and a profit and loss statement for said year.

(3) Stockholders. A complete list of all stockholders holding any stock, if the applicant is a corporation, including the amount of the stock so held, the address of each stockholder and the amount and class of stock held by each stockholder; and if any stock is held in trust, the names, addresses, the amount and class of stock held by each beneficial owner thereof under said trust.

(4) The name and circumference of the race track.

(5) The seating capacity of the club house, grandstand, or other seating facilities.

(6) The parking and transportation facilities available to patrons.

(7) The stabling facilities available.

(8) The number of free drinking water fountains, public wash rooms and comfort stations available for patrons.

(9) First aid equipment available and number and character of first aid attendants.

(10) The fire-fighting equipment available.

(11) The track equipment available and minimum number of ground employees for operation of such equipment.

(12) Restaurant facilities available.

(13) The track measurements.

(14) The capacity of the paddock and location of stalls for saliva and other tests.

(15) Complete description of lighting system, if night racing is proposed.

(16) Name, address and experience of manager of pari-mutuel equipment, number of seller windows and cashier windows, minimum number of calculators.

(17) Name, address and experience of general manager.

(18) Name, address and experience of racing secretary.

(19) Minimum and maximum number of races per day, type of races, number of monies to be paid and percentage of payment in each race, entrance fee for overnight races. Type of photo finish and timing device used. Name of track superintendent. Total purse for meeting. Minimum purse per heat or race. Type of starting.

(20) The publicity and advertising intended, and the name and address of manager of the advertising department.

(21) The applicant's public liability insurance coverage and list of names and addresses of companies carrying the same.

(22) The schedule of admission charges.

Section 3. Time for Filing Applications. (1) All applications for licenses to conduct race meetings for each calendar year shall be filed with the commission not later than sixty (60) days prior to the commencement of said race meeting. However, under unusual conditions at the discretion of the commission, the commission may receive applications for licenses and act thereon at a date subsequent to the time heretofore determined by the provisions of this section to receive applications. In such event, if the license is granted, an applicant may at the commission's discretion be fined no more than \$100 per day for each day that said application is late.

(2) In the event said applicant after receipt of notice of approval of its application shall fail to comply with the

above requirements within the period above fixed, the application for license of such applicant shall be considered withdrawn and of no effect.

Section 4. Application for Racing Dates. Each licensee shall file an application for racing dates no later than the first day of November of the year immediately preceding said requested dates. The commission shall assign said dates within forty-five (45) days after the first day of November, unless it is impracticable to do so. The commission may increase or reduce the number of days applied for, or may assign different dates than those requested by the licensee.

Section 5. To conduct a racing meeting under a license issued by the Kentucky Harness Racing Commission, the licensee shall at all times maintain a finished race track which meets the following requirements of the commission: Shall file with the commission a certificate of a duly licensed civil engineer or land surveyor that he has measured the said track from wire to wire, three (3) feet out from the pole or inside hub rail thereof and certifying in linear feet the result of such measurement.

Section 6. Wagering on Races Conducted Off of Premises. No licensee giving a race meeting under a license issued by the Kentucky Harness Racing Commission shall permit bets to be made on the grounds of said licensee on any race held outside of the grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds.

Section 7. Bookmaking. Anyone guilty of making a handbook on the grounds of any licensee of the commission, shall be ejected from the grounds, and denied further admission thereto, and any owner, driver, or other person interested in any horse or horses at said meeting, who shall be guilty of betting with or through any such handbook, shall be ejected from the grounds or denied admission by the order of the judges, and/or licensee.

Section 8. Solicitation of Wagers. If any trainer, driver, stable employee or other person solicits bets from the public by correspondence, or other methods, to be made on the horses in any stable, such person or persons so offending shall be ruled off the course or denied admission by order of the judges, and/or licensee.

Section 9. Reciprocal Suspensions. No licensee shall permit any person who is under suspension by, or has been ruled off the member course by the United States Trotting Association, or by any state racing commission, to participate in any manner in a harness racing meet licensed by the commission, or in the conduct of such meet.

Section 10. Conditions of License. Imposed on each licensee of the Kentucky Harness Racing Commission is the duty of enforcing the rules and regulations imposed by the commission, the said rules and regulations being a condition under which the licenses are granted; the commission reserving the right to amend, alter or repeal any rule, regulation or condition herein imposed or to supplement said rules and regulations.

Section 11. Cash Balance, Surety Bond and Reports. (1) Financial statements and pari-mutuel manager. Every association licensed by the commission shall submit to the secretary of the commission (executive racing secretary) at

least thirty (30) days before the beginning of each race meeting either a surety bond, approved by the commission, in the amount of \$50,000 or place in escrow in a Kentucky bank in favor of the commission in the amount of \$50,000 or a combination of a surety bond and cash escrow in the amount of \$50,000 subject to the commission's approval. Said bond and/or escrow shall obligate the association licensed by the commission to fulfill all the dates granted to them; confine the races or racing to the specific dates approved by the commission; comply with and perform the provisions and the undertaking set forth in the application made to the commission as finally approved; comply with the provisions of the by-laws and rules and regulations of the commission relating to the conduct of its said meeting and the races or racing on its tracks; discharge all of its obligations set forth in the granting of membership, assignment of dates and those imposed by the by-laws, rules and regulations as aforesaid relating to payment of membership dues, fines, claims and fees of the commission and the payment of any sums due or to become due to the horsemen entered and/or competing at said meeting primarily, and thereafter suppliers and shall submit, without reservation, to the jurisdiction of the Kentucky State and Federal Courts in the district within which is located the principal office of the commission to the end that any action at law or in equity to enforce any rights and/or obligations based on, or arising from or growing out of this bond shall be confined to the jurisdiction of said courts, and shall appoint and designate their agent to accept service of any notice or legal process attending the enforcement of any such rights or obligations, the Secretary of State, of the State of Kentucky.

(2) Bond and/or escrow shall remain in full force and effect at least sixty (60) days and until the commission notifies the principal and surety or the escrow agent that the association licensed by the commission has duly complied with all of the requirements set out in said bond or escrow agreement.

(3) A specimen of the bond required by the commission is as follows:

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_  
principal and \_\_\_\_\_  
surety, are well and firmly bound unto the Kentucky Harness Racing Commission in the sum of \$50,000 to be paid to the said Kentucky Harness Racing Commission, its successors or assigns; to which payment well and truly to be made and done, we and each of us, principal and surety, jointly and severally, do bind ourselves, our successors and assigns, and every one of them, firmly and by these presents. Sealed with our seals and dated the \_\_\_\_\_  
of \_\_\_\_\_, 19 \_\_\_\_\_.

THE CONDITION OF THIS OBLIGATION IS SUCH

THAT if the above bounden \_\_\_\_\_, its successors or assigns, or any of them, shall and do well and truly fulfill all of the racing dates in the year \_\_\_\_\_ granted them by membership in the Kentucky Harness Racing Commission, barring an act of God or catastrophe beyond control; confine the races or racing to the specific dates approved by the Kentucky Harness Racing Commission; comply with and perform the provisions and the undertaking set forth in the application made to the Kentucky Harness Racing Commission, as finally approved; comply with the provisions of the By-Laws and Rules and Regulations of the Kentucky Harness Racing Commission relating to the conduct of its said meeting and the races or racing on its tracks; discharge all of its obligations set forth in the granting of membership, assignment of dates, and those imposed by the By-Laws, Rules and Regulations as aforesaid relating to payment of membership dues, fines, claims and fees of the said Kentucky Harness Racing

Commission and the payment of any sums due or to become due to the horsemen entered and/or competing at said meeting primarily and thereafter suppliers, then this obligation is to be void, otherwise to remain in full and effect.

And further, we and each of use, principal and surety, do hereby submit, without reservation, to the jurisdiction of the Kentucky State and Federal Courts in the district within which is located the principal office of the Kentucky Harness Racing Commission to the end that any action at law or in equity to enforce any rights, and/or obligations based on, or arising from, or growing out of this Bond shall be confined to the jurisdiction of said courts. And we, principal and surety, do hereby appoint and designate as agent for us, and each of us, to accept service of any notice of legal process attending the enforcement of any such rights or obligations, the Secretary of State, of the State of Kentucky.

Witness our hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Principal: \_\_\_\_\_  
By: \_\_\_\_\_  
Surety: \_\_\_\_\_  
By: \_\_\_\_\_

(4) Each association licensed by the commission shall submit to the commission at the beginning of each week, during its meeting, a sworn statement attesting that all operating expenses already incurred have been paid or provided for.

Section 12. Commission Office. Each licensee shall provide suitable facilities for the commission in the conduct of its business. Failure to do so within ten (10) days after written notification by the commission setting out the deficiencies of said facilities, shall subject said licensee of a fine up to \$250 per day for each day that suitable facilities are not thereafter provided.

Section 13. Policing of Premises. The licensee shall provide a sufficient number of guards and watchmen to maintain order on all parts of the racing enclosure, and no tipster shall be allowed on any part of the licensed premises, and no groom or stable attendant, shall loiter in the betting ring or any place else with the evident intention of engaging in tipping for any remuneration or for nothing, and anyone so found shall be immediately escorted to the general manager of the licensee and his license shall be taken up, and the licensee shall thereafter exclude said person from the licensed premises.

Section 14. Supervision of Peddlers. The license shall supervise the practice and methods of so-called merchandise peddlers who may have entry to the track enclosure. Such supervision shall be extended to any other stables where horses are lodged which may be eligible to race at said meeting. However, the licensee shall not by virtue of this rule or otherwise restrict the open purchasing or attempt to control or monopolize said business or proper selling of merchandise to owners, trainers, or stable employees.

Section 15. Drinking Fountains and Rest Rooms. The licensee shall furnish an adequate number of free drinking water fountains, comfort stations, and wash rooms throughout its grounds and buildings for the use of the public.

Section 16. Stabling of Horses. Any horse racing at a licensed meeting must be stabled within the confines of that track; provided, however, in case of necessity such a horse may be stabled within the confines of an adjacent

Kentucky race track, or in another location approved by the commission. The licensee holding the race meeting shall provide for temporary stabling of horses, eligible to race, which are brought to the races from approved outside stable space.

Section 17. Watchmen in Stable Area. Each licensee shall maintain and furnish complete and adequate watchman service night and day in and about all stable enclosures.

Section 18. Duties of Watchmen. (1) Watchmen so employed shall be individually responsible for the certain part of the stable enclosure where they are on duty and shall immediately investigate and report the presence of anyone during the night or day who may be within said stable enclosure without possessing proper credentials.

(2) A letter of instructions to all watchmen shall be addressed to each of them by the licensee, covering fully their duties and their strict obligation to keep stable enclosures free from outsiders and hangers on, and a copy thereof furnished to the commission.

Section 19. Stable Enclosures Fenced. All such stable enclosures must be properly fenced and admission granted only on proper license or credentials actually shown to the gatemen. This rule may be waived with commission approval.

Section 20. Betting by Commission Employees. Betting by commission employees and racing officials is prohibited.

Section 21. Betting by Paddock Employees. Any track employee working in the paddock area is not allowed to bet or pass information to outsiders for betting purposes.

Section 22. Accepted Conditions of Race Meetings. (1) Bind upon licensees. The commission, recognizing the necessity of an association to comply with the requirements of its license and to fulfill its obligation to the public and the Commonwealth of Kentucky with the best possible uninterrupted services, in the comparatively short licensed period, herein provides that all associations, officials, horsemen, owners, veterinarians, trainers, drivers, grooms, farriers, registered employees, and all licensees, who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said association engages and plans to conduct such race meeting, shall be bound thereby.

(2) Notice to commission of intent to terminate. Any association, officials, horsemen, owners, trainers, drivers, grooms, veterinarians, farriers, register employees, and all licensees who so accept such conditions shall, before they terminate or discontinue their employment, engagements or activities, give the commission and the association with whom they are engaged, at least fifteen (15) days notice in writing of their intentions to terminate or discontinue their employment, engagements or activities under such conditions. The commission may upon notice to all parties of interest conduct a hearing or hearings with respect to any termination or discontinuance of employment.

Section 23. Horse Ambulance. There shall be a horse ambulance at all tracks under the jurisdiction of the commission for the removal of crippled or dead animals from the track. Horse ambulances must be equipped with a screen for use when an animal must be destroyed in view of

the general public and also a winch to lift dead or injured animals onto the ambulance.

*Section 24. Ambulance. At all extended pari-mutuel meetings the licensee shall provide an ambulance equipped consistent with that required by the state of Kentucky to transport a sick, injured or for any other reason, person or persons to a hospital or medical facility. Said ambulance shall be maintained by two (2) or more persons certified by the state to transport individuals to a hospital or medical facility over a public thoroughfare. The ambulance shall be stationed at an entrance to the racing surface allowing for visual contact with the race in progress and shall make a prompt response in the event that one (1) or more drivers or horses are involved in an accident or there is any other need for emergency transportation. This ambulance shall be stationed no less than one (1) hour before post time of the first race and until the last race is completed. If the ambulance must leave its station for any reason, there shall be a replacement before the next event is contested. Such ambulance shall be stationed at all programmed races, time trials and qualifying races under the rules and regulations of the Kentucky Harness Racing Commission.*

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:170. Telephones.**

RELATES TO: KRS 230.630(1),(3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate the use of telephones while races are being conducted.

Section 1. All public telephones shall be closed *in the wagering area* [at the track or in the grounds] of the licensee conducting the meeting with the opening of the pari-mutuel windows for the first race of the day or evening. Except in case of emergency, no calls of the general public shall be allowed to be made or received after the telephones are closed until after the last race has been finished and declared official, except by officials of the commission.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:195. Track deductions from wagers.**

RELATES TO: KRS 230.750

PURSUANT TO: KRS 13.082, 230.630(3),(4),(7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate the deductions authorized by the track from the pari-mutuel wagering.

Section 1. The deductions of track "take," including the tax levied in KRS 138.510, deducted from the gross amount wagered by the persons, corporation or association which operates a harness racing track at which betting is conducted through a pari-mutuel or other system shall not exceed *eighteen (18)* [seventeen (17)] percent of the gross amount handled on straight wagering pools and *twenty-five (25)* percent of the gross amount handled on multiple wagering pools, and the breaks, which breaks shall be made and calculated to the dime.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Kentucky Harness Racing Commission**  
**(Proposed Amendment)**

**811 KAR 1:200. Administration of purses and payments.**

RELATES TO: KRS 230.770

PURSUANT TO: KRS 230.770

NECESSITY AND FUNCTION: To regulate races and purses and payments in races for which a portion of the purse is provided by the Kentucky Standardbred Development Fund. The function of this regulation is to establish mandatory criteria for these races and the administration of purses and payments in such races.

Section 1. Races in which any part of the purse is provided by the Kentucky Standardbred Development Fund shall be subject to the rules and regulations of the Kentucky Harness Racing Commission.

Section 2. Each participating foal must have been sired by a stallion registered with the Kentucky Harness Racing Commission, and eligible to the Kentucky Standardbred Development Fund.

Section 3. Each race shall be a one (1) mile dash.

Section 4. The race will split if more than twelve (12) declare to start. In the case of a split the event will be raced adopting one (1) of the methods of division racing then current in the Kentucky Harness Racing Commission rules

and regulations, except the Kentucky Standardbred Development Fund will add the money to the purses.

Section 5. Gait must be specified by the first two (2) year old payment. Transfer may be made at the time of declaration but sustaining payments remain in the respective funds.

Section 6. All races will be raced in separate colt-gelding and filly divisions.

Section 7. All declaration fees will be added to the purse and will be made payable to the *racing association* [Kentucky Standardbred Development Fund] at the time of declaration.

Section 8. The purse will be distributed on the following percentage basis:

- (1) 50-25-12-8-5: 5 starters or more;
- (2) 50-25-15-10: 4 starters;
- (3) 60-30-10: 3 starters;
- (4) 65-35: 2 starters.

*The nominating, sustaining, stallion, and starting fees shall be added to the purse and each division shall race for an equal part of that purse. In 1984 the purse for three (3) year olds will be \$16,500 added. The purse for two (2) year olds will be \$16,500 estimated. In 1985, purses for three (3) and two (2) year olds will be \$16,500 estimated. This will apply at each of the Kentucky pari-mutuel tracks.*

Section 9. Should circumstances prevent the racing of any event, monies will be prorated among horses eligible for the uncontested event at the time of declaring off. In the event the race is drawn, the monies will be equally divided among the horses entered to start. This will include stake payments, declaration fees and purses provided by the Kentucky Standardbred Development Fund.

Section 10. Starters will declare in at each track at the time specified by the association conducting the event.

Section 11. At the time of the declaration a starter must show at least one (1) charted line with no breaks within the last six (6) starts and within thirty (30) days prior to the day of the race and a two (2) year old trotter must have been timed in 2:14 [2:18] or faster and a two (2) year old pacer must have been timed in 2:12 [2:15] or faster, and a three (3) year old trotter must have been timed in 2:10 or faster and a three (3) year old pacer must have been timed in 2:08 or faster. A broken equipment break or an interference break will not be considered a break as stated in this section. An eligibility certificate or a clear photocopy of the eligibility certificate must be on deposit with the race secretary at the time of declaration or the declaration will [may] be rejected. If the horse has a start subsequent to the eligibility certificate of photocopy being sent, the declarer must advise the race secretary of the commitment to race or the horse may be scratched from the race. This rule shall be in effect for wagering and non-wagering races.

Section 12. After payment of the nomination fee, foals shall remain eligible for events each year by making the required sustaining and declaration payments for that year.

Section 13. The Kentucky Standardbred Development Fund will be distributed by the Kentucky Harness Racing Commission on an equitable basis to promote the purposes

expressed in KRS 230.770. The commission may authorize expenditures at any time; however, the commission will, at its scheduled meeting each November, make provisions for the following year's distribution of funds for stake races.

Section 14. The Kentucky Standardbred Development Fund will provide a trophy for each event. In the case of division races each division shall receive a trophy.

Section 15. All nomination and sustaining payments shall be made to the Kentucky Standardbred Development Fund.

Section 16. Payments:

#### Two-Year Olds

##### PAYMENTS

March 15th .....	\$ 40
May 15th .....	\$200
Declaration Fee (for each track) .....	\$200
March 15th payment makes entry eligible as a 3-year old.	

#### Three-Year Olds

##### PAYMENTS

February .....	\$ 80
March 15 .....	\$200
Declaration Fee (for each track) .....	\$200

Section 17. All yearlings will be nominated on May 15 and fees will be twenty dollars (\$20) each. Fees are payable to the Kentucky Standardbred Development Fund.

CARL B. LARSEN, Supervisor of Racing

ADOPTED: November 18, 1983

APPROVED: MELVIN H. WILSON, Secretary

RECEIVED BY LRC: December 15, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carl B. Larsen, Supervisor of Racing, Kentucky  
Harness Racing Commission, 1051-H Newtown Pike, Lexington, Kentucky 40511.

#### PUBLIC PROTECTION AND REGULATION CABINET Department of Housing, Buildings and Construction (Proposed Amendment)

**815 KAR 7:060. Facilities for the physically disabled in new construction.**

RELATES TO: KRS Chapter 198B

PURSUANT TO: KRS 198B.260

NECESSITY AND FUNCTION: The Board of Housing, Buildings and Construction is required by KRS 198B.260 to issue regulations establishing the requirements necessary for making buildings accessible to and usable by physically disabled persons. This regulation has been designed after and selected from various nationally recognized codes and standards. This regulation establishes the minimum new construction requirements which shall apply to buildings and facilities to provide accessibility and usability by the elimination of architectural

barriers in the environment. The terms of this regulation shall be incorporated into the Kentucky Building Code.

**Section 1. Purpose and Scope.** It is the express intention of this regulation to achieve uniformity in the technical design criteria necessary to establish a barrier-free environment thereby allowing a physically disabled person to get to, enter and use a building or facility, so that they may have access to education, employment, living and recreational opportunities and be as self sufficient as possible.

(1) New construction. This regulation shall be mandatory to and in all new buildings and facilities, including both rooms and spaces, site improvements, exterior facilities and public walks, as follows:

(a) Storage, miscellaneous and temporary occupancies in which the total occupant load is in excess of 100 persons or 20,000 square feet or three (3) stories.

(b) Factory and industrial occupancies in which the total occupant load is in excess of 100 persons or 20,000 square feet.

(c) Business occupancies in which the total occupant load is in excess of 100 persons or 10,000 square feet.

(d) Mercantile occupancies in which the total occupant load is in excess of 100 persons, 3,000 square feet of consumer area or 10,000 square feet of total floor area.

(e) Churches, parochial and private schools and other similar non-public assembly type occupancies in which the total occupant load is in excess of 250 persons or 3,200 square feet.

(f) Assembly occupancies (other than those in subsection (e)) in which the total occupant load is in excess of fifty (50) persons or 1,500 square feet total area.

(g) Residential occupancies, with the exception of single family dwellings, duplexes and multi-family housing projects of less than twenty-five (25) units. The common areas of condominiums are required to be accessible, but not the interior of the condominium units.

(h) Institutional occupancies, with the exception of child day care facilities providing care for less than thirteen (13) children.

(i) All buildings and facilities which are leased or owned by the state, county, city or other municipal corporation, regardless of type of use, occupant load or total square footage. Only new leases will be treated as new facilities.

(j) Any establishment which is physically located within any building or facility otherwise covered by this section or within the premises of which is physically located any such covered establishment; and which also holds itself out as serving patrons of such covered establishment.

(k) All gasoline service stations, regardless of size or occupant capacity.

(l) Any building of an occupant load, occupancy type or size not listed in this section shall be exempted from the requirements of this regulation as a "small business concern."

(2) Existing buildings. This regulation shall be mandatory for existing buildings, as follows:

(a) Alterations and repairs may be made to any structure without requiring other areas of the existing structure to comply with the accessibility requirement of this regulation provided such new work conforms to that of a new structure.

(b) Additions to an existing facility shall comply with the standards established by this regulation; however, the existing portion need not comply provided such addition does not result in decreased accessibility.

(c) Remodeling involving major structural changes to a

building shall require full compliance with all applicable provisions of this regulation.

(d) The restoration or authentic reconstruction of buildings designated as historic properties by the Kentucky Heritage Commission or the National Register of Historic Places are exempt from the requirements of this regulation.

(3) Modifications of the technical provisions of this regulation may be allowed where such modification provides equal facilitation.

(4) Problem sites. It is not the intent of this regulation to discourage development of sites with extreme conditions, for example, where housing would be built on steep slopes or recreation facilities provided in natural terrain, and where full accessibility might prove impractical.

(5) Interpretive decisions. Where any provision of this regulation can be shown to be clearly unreasonable or impractical as applied to a particular building or use, or if full compliance would create a safety hazard, because of a particular use or condition, any person may request to appear before the Architectural Barriers Advisory Committee of the Department of Housing, Buildings and Construction. After advice from the committee, the department shall render its decision in the matter and said decision shall be appealable to the Board of Housing, Buildings and Construction.

(6) Enforcement. It shall be the duty of the local building official or the state building official having plan review and inspection responsibility under the Kentucky Building Code to enforce the provisions of this regulation.

(7) Distribution of accessible elements. Residential units accessible to the physically handicapped must not be segregated from other units. For example, in large apartment complexes, hotels or motels, all the units or rooms for the disabled may not be placed in one (1) building but must be dispersed throughout the complex.

(8) Appendix. All figures, tables and charts which are not included under a specific section of this regulation shall be found in Appendix A which is attached hereto. Any figures or numbers not in agreement with the written language of this regulation shall be superceded by said written words or numbers.

(9) Technical provisions. Sections 3 through 35 constitute the technical provisions of this regulation.

**Section 2. Definitions.** The following terms shall, for the purpose of this regulation, have the meaning indicated in this section.

(1) Access aisle. An accessible pedestrian space between elements such as parking spaces, seating, and desks, that provides clearances appropriate for use of the elements.

(2) Accessible. Describes a site, building, facility, or portion thereof that complies with this section and that can be approached, entered, and used by physically disabled people.

(3) Accessible element. Part of an accessible route or accessible functional space; an item specified by this regulation (for example, telephone, controls, and the like).

(4) Accessible route. A continuous unobstructed path connecting all accessible elements and spaces in a building or facility that can be negotiated by a severely disabled person using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, walks, and ramps.

(5) Adaptability. The ability of certain building

elements, such as kitchen counters and sinks to be added to, raised, lowered, or otherwise altered so as to accommodate the needs of either the disabled or nondisabled, or to accommodate the needs of persons with different types or degrees of disability.

(6) Assembly area. A room or space accommodating fifty (50) or more individuals for religious, recreational, educational, political, social or amusement purposes, or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference rooms would have to be accessible in accordance with other parts of this standard but would not have to meet all of the criteria associated with assembly areas.

(7) Automatic door. A door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch mounted on or near the door itself (see power-assisted door).

(8) Circulation path. An exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

(9) Clear. Unobstructed.

(10) Common use. Refers to those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people (for example, residents of an apartment building, occupants of an office building, or guests of such residents or occupants).

(11) Coverage. The extent or range of accessibility that a particular administrative authority adopts and requires.

(12) Cross slope. The slope of a pedestrian way that is perpendicular to the direction of travel (see running slope).

(13) Curb ramp. A short ramp cutting through a curb.

(14) Detectable. Perceptible by one (1) or more of the senses.

(15) Disability. A limitation or loss of use of a physical, mental, or sensory body part or function.

(16) Dwelling unit. A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(17) Egress, means of. A continuous and unobstructed path of travel from any point in a building or structure to a public way and consists of three (3) separate and distinct parts:

(a) The exitway access;

(b) The exitway; and

(c) The exitway discharge; a means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(18) Emergency. Refers to facilities resulting from or anticipating unforeseen combinations of circumstances, for example, storm shelters, bomb shelters, and comparable refuges.

(19) Functional spaces. The rooms and spaces in a building or facility that house the major activities for which the building or facility is intended.

(20) Handicapped. Those with significant limitations in using specific parts of the environment.

(21) Housing. A building, facility, or portion thereof, excluding inpatient health care facilities, that contains one (1) or more dwelling units or sleeping accommodations. Housing may include, but is not limited to, one (1) and two

(2) family dwellings, apartments, group homes, hotels, motels, dormitories, and mobile homes.

(22) Marked crossing. A crosswalk or other identified path intended for pedestrian use in crossing a vehicular way.

(23) Operable part. A part of a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance (for example, coin slot, pushbutton, handle).

(24) Power-assisted door. A door with a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself. If the switch or door is released, such doors immediately begin to close or close completely within three (3) to thirty (30) seconds (see automatic door).

(25) Principal entrance. An entrance intended to be used by the residents or users to enter or leave a building or facility. This may include, but is not limited to, the main entrance.

(26) Public use. Describes interior and exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

(27) Ramp. A walking surface that has a running slope greater than 1:20.

(28) Reasonable number. A number that is sufficient to accommodate the disabled users of a site, building, facility, or element.

(29) Running slope. The slope of a pedestrian way that is parallel to the direction of travel (see cross slope).

(30) Service entrance. An entrance intended primarily for delivery or service.

(31) Signage. Verbal, symbolic, and pictorial information.

(32) Site. A parcel of land bounded by a property line or a designated portion of a public right-of-way.

(33) Site improvements. Landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and the like, added to a site.

(34) Sleeping accommodations. Rooms in which people sleep, for example, dormitory and hotel or motel guest rooms, but not including dwelling units.

(35) Tactile. Describes an object that can be perceived using the sense of touch.

(36) Tactile warning. A standardized surface texture applied to or built into walking surfaces or other elements to warn visually impaired people of hazards in the path of travel.

(37) Temporary. Applies to facilities that are not of permanent construction but are extensively used or essential for public use for a given (short) period of time; for example, temporary classrooms or classroom buildings at schools and colleges, or facilities around a major construction site to make passage accessible, usable, and safe for everybody. Structures directly associated with the actual processes of major construction, such as port-a-potties, scaffolding, bridging, trailers, and the like, are not included.

(38) Vehicular way. A route intended for vehicular traffic, such as a street, driveway, or parking lot.

(39) Walk. An exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts.

(40) Walking aid. A device used by a person who has difficulty walking (for example, a cane, crutch, walker, or brace).

**Section 3. Minimum Requirements.** (1) Accessible site and exterior facilities. An accessible site shall meet the following minimum requirements:

(a) At least one (1) accessible route complying with Section 5 shall be provided from public transportation stops, accessible parking spaces, accessible passenger loading zones if provided, and public streets or sidewalks to an accessible building entrance.

(b) At least one (1) accessible route complying with Section 5 shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(c) All objects that protrude from surfaces or posts into circulation paths shall comply with Section 5(3).

(d) Ground surfaces along accessible routes and in accessible spaces shall comply with Section 5(2).

(e) When parking is provided, parking spaces and access aisles shall comply with Section 6.

(f) Stairs shall comply with Section 9.

(g) All passenger elevators shall comply with Section 10.

(h) All doors or gates to accessible spaces and elements and along accessible routes shall comply with Section 13.

(i) All drinking fountains along accessible routes shall comply with Section 15.

(j) All toilet rooms provided for public use or as otherwise required by the Kentucky Building Code shall comply with Section 22. Bathing facilities on accessible routes shall comply with Section 23.

(k) Tactile warnings shall be provided at hazardous conditions as specified in Section 29.

(l) All signs shall comply with Section 30.

(m) If public telephones are provided, they shall comply with Section 31.

(n) If seating, tables, or work surfaces are provided in accessible spaces, they shall comply with Section 32.

(o) If places of assembly are provided, they shall comply with Section 33.

(2) Accessible buildings. Accessible buildings and facilities shall meet the following minimum requirements:

(a) At least one (1) accessible route complying with Section 5(1) shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.

(b) All objects that overhang circulation paths shall comply with Section 5(3).

(c) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with Section 5(2).

(d) Stairs shall comply with Section 9. This requirement is not mandatory within dwelling units.

(e) All passenger elevators shall comply with Section 10.

(f) If windows intended to be operated by occupants are provided, then a reasonable number, but always at least one (1), of windows in each accessible space shall comply with Section 12.

(g) All doors to accessible spaces along accessible routes shall comply with Section 13.

(h) All principal entrances shall comply with Section 14.

(i) All drinking fountains along accessible routes shall comply with Section 15.

(j) All toilet rooms provided for public use or as otherwise required by the Kentucky Building Code shall comply with Section 22. Bathing facilities on accessible routes shall comply with Section 23.

(k) If storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, they shall comply with Section 25.

(l) Controls and operating mechanisms in accessible

spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls), shall comply with Section 27.

(m) If emergency warning systems are provided, they shall comply with Section 28.

(n) Tactile warnings shall be provided at hazardous conditions as specified in Section 29.

(o) If signs are provided, they shall comply with Section 30.

(p) If public telephones are provided, they shall comply with Section 31.

(q) If seating tables, or work surfaces are provided in accessible spaces, they shall comply with Section 32.

(r) If places of assembly are provided, they shall comply with Section 33.

(s) If sleeping accommodations are provided, they shall comply with Section 34.

(3) Accessible housing. Accessible housing shall comply with the minimum requirements in subsections (1) and (2) of this section. It shall also meet the following requirements:

(a) Accessible dwelling units shall comply with Section 35.

(b) Each accessible dwelling unit shall be connected to an accessible entrance complying with Section 14 by an accessible route complying with Section 5.

(c) Common use spaces and facilities (for example, swimming pools, playgrounds, entrances, rental offices, lobbies, elevators, mail box areas, lounges, storage rooms, halls, corridors, and the like) that serve one (1) or more accessible dwelling units shall comply with subsections (1) and (2) of this section. At least one (1) accessible route shall connect all accessible entrances to each accessible dwelling unit.

**Section 4. Space Allowances and Reach Ranges.** (1) Wheelchair passage width. The minimum clear width for single wheelchair passage shall be thirty-two (32) inches at a point and thirty-five (35) inches continuously.

(2) Width for wheelchair passing. The minimum width for two (2) wheelchairs to pass is sixty (60) inches.

(3) Wheelchair turning space. The space required for a wheelchair to make a 180 degree turn is a clear space of sixty (60) inches diameter or a T-shaped space with a minimum clear width of thirty-six (36) inches.

(4) Clear floor or ground space for wheelchairs:

(a) Size and approach. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is thirty (30) inches by forty-eight (48) inches. The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object. Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

(b) Relationship of maneuvering clearances to wheelchair spaces. One (1) full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined in all or part of three (3) sides, additional maneuvering clearances shall be provided (see Appendix A, Figure 1).

(c) Surfaces of wheelchair spaces. Clear floor or ground spaces for wheelchairs shall comply with Section 5(2).

(5) High forward reach. If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be forty (40) inches. If the high

forward reach is over an obstruction, reach and clearances shall be as shown in Appendix A, Figure 2.

(6) Side reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be forty-eight (48) inches and the low side reach shall be no less than nine (9) inches above the floor. If the side reach is over an obstruction, the reach and clearances shall be as shown in Appendix A, Figure 3.

Section 5. Accessible Route, Ground and Floor Surfaces, and Protruding Objects. (1) Accessible route. All walks, halls, corridors, aisles, and other spaces that are of an accessible route shall comply with this subsection.

(a) Location:

1. At least one (1) accessible route shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve.

2. At least one (1) accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

3. At least one (1) accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

4. An accessible route shall connect at least one (1) accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

(b) Width. The minimum clear width of an accessible route shall be thirty-six (36) inches except at doors. (See Section 13(5).) If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Appendix A, Figure 4.

(c) Passing space. If an accessible route has less than sixty (60) inches clear width, then passing spaces at least sixty (60) inches by sixty (60) inches shall be located at reasonable intervals not to exceed 200 feet. A T-intersection of two (2) corridors or walks is an acceptable passing place.

(d) Head room. Accessible routes shall comply with subsection (3)(b) of this section.

(e) Surface texture. The surface of an accessible route shall comply with subsection (2) of this section.

(f) Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with Section 8. Nowhere shall the cross slope of an accessible route exceed 1:50.

(g) Changes in level. Changes in level along an accessible route shall comply with subsection (2)(b) of this section. If an accessible route has changes in level greater than one-half (½) inch, then a curb ramp, ramp or elevator shall be provided that complies with Sections 7, 8 and 10, respectively. Stairs shall not be part of an accessible route.

(h) Doors. Doors along an accessible route shall comply with Section 13.

(i) Egress. At least one (1) accessible route serving any accessible space or element shall also serve as a means of egress.

(2) Ground and floor surfaces. Ground and floor surfaces along accessible routes and in accessible rooms and spaces, including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and relatively nonslip under all weather conditions and shall comply with this subsection.

(a) Changes in level. Changes in level up to one-fourth

(¼) inch may be vertical and without edge treatment. Changes in level between one-fourth (¼) inch and one-half (½) inch shall be beveled with a slope no greater than 1:2. Changes in level greater than one-half (½) inch shall be accomplished by means of a ramp that complies with Sections 7 or 8.

(b) Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing or no cushion or pad; and have a level loop, textured loop, level cut pile or level cut/uncut pile texture. The maximum combined thickness of pile, cushion, and backing shall be one-half (½) inch. Exposed edges and trim shall be securely fastened in place and shall comply with paragraph (a) of this subsection.

(c) Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than one-half (½) inch wide in one (1) direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

(3) Protruding objects:

(a) Objects projecting from walls (for example, telephones) with their leading edges between twenty-seven (27) inches and eighty (80) inches above the finished floor shall protrude no more than four (4) inches into walks, halls, corridors, passageways, or aisles. Objects mounted with their leading edges at or below twenty-seven (27) inches above the finished floor may protrude any amount. Free standing objects mounted on posts or pylons may overhang twelve (12) inches maximum from twenty-seven (27) inches to eighty (80) inches above the ground or finished floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space. (See Appendix A, Figure 5.)

(b) Head room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have eighty (80) inches in minimum clear head room. (See Appendix A, Figure 5.)

Section 6. Parking and Passenger Loading Zones. (1) Minimum number. Where parking spaces are provided, the minimum number of spaces shall be in accordance with Table 1 and shall comply with subsections (2) through (4) of this section. Where passenger loading zones are provided, at least one (1) shall comply with subsection (5) of this section.

TABLE 1

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or over	2% of total—20 plus 1 for each 200 over 1000

(2) Parking spaces. Parking spaces for disabled people shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle sixty (60) inches wide minimum (see Appendix A, Figure 6). Parking access aisles shall be part of the accessible route to the building or facility entrance and shall comply with Section 5(1). Two (2) accessible parking spaces may share a common access aisle. Park-

ed vehicle overhangs shall not reduce the clear width of an accessible circulation route.

(3) Signage. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility. Such signs shall be above grade.

(4) Passenger loading zones. Passenger loading zones shall provide an access aisle at least forty-eight (48) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Section 7 shall be provided.

(5) Vertical clearance. Provide minimum vertical clearance of eight (8) feet six (6) inches at accessible parking spaces, at accessible passenger loading zones and along vehicle access route to such areas from site entrances.

Section 7. Curb Ramps. (1) Location. Curb ramps complying with this section shall be provided wherever an accessible route crosses a curb.

(2) Slope. Slopes of curb ramps shall comply with Table 815 of the Kentucky Building Code. The slope shall be measured at a ratio of rise to horizontal run.

(3) Width. The minimum width of a curb ramp shall be thirty-six (36) inches, exclusive of flared sides.

(4) Surface. Surfaces of curb ramps shall comply with Section 5(2). Transitions from ramps to walks and ramps to gutters or streets shall be flush and free from abrupt changes.

(5) Sides of curb ramps. If a curb ramp is located where pedestrians must walk across the ramp, then it shall have flared sides; the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp. Curb ramps shall not have handrails.

(6) Built-up curb ramps. Built-up curb ramps, or curb ramps that project into a vehicular path, shall not be permitted in new construction. They may be permitted in existing conditions only where such application is determined to be the only reasonable means of access and where the location of the built-up curb ramp is not in an uncontrolled vehicular path. Built-up curb ramps shall comply with this section.

(7) Warning textures. A curb ramp shall have a tactile warning texture contrasting to adjoining surfaces and complying with Section 29, extending the full width and depth of the curb ramp, including any flares.

(8) Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

(9) Location at marked crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides.

(10) Diagonal curb ramps. If diagonal (or corner type) curb ramps have returned curbs or other well defined edges, such edges shall be parallel to the direction of pedestrian flow. If diagonal curb ramps have flared sides, they shall also have at least a twenty-four (24) inch long segment of straight curb located on each side of the curb ramp and within the marked crossing.

(11) Islands. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least forty-eight (48) inches long in the part of the island intersected by the crossings.

(12) Uncurbed intersections. If there is no curb at the intersection of a walk and an adjoining street, parking lot, or busy driveway, then the walk shall have a tactile warning texture complying with Section 29(5) at the edge of the vehicular way.

Section 8. Ramps. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with Section 815 of the Kentucky Building Code as filed in 815 KAR 7:020.

Section 9. Stairs. Stairways shall comply with Section 816 of the Kentucky Building Code as filed in 815 KAR 7:020. These specifications are not mandatory for stairs within dwelling units.

Section 10. Elevators. (1) All public passenger elevators shall be required to be accessible and shall comply with the provisions of Article 21 of the Kentucky Building Code as filed in 815 KAR 7:020.

(2) At least one (1) public passenger elevator shall be required in buildings three (3) stories or greater in height; except that residential buildings three (3) stories in height and containing no more than twenty-four (24) units shall not be required to have an elevator.

(3) Elevators are not mandatory for buildings of less than three (3) stories. If an elevator is provided, however, it shall have dimensions sufficient to accommodate a person in a wheelchair. This means the vertical access for wheelchairs from one (1) level to the other is not required except in buildings three (3) stories or more.

Section 11. Platform lifts. Platform lifts are [not] permitted if they conform to ANSI Standards for inclined stairway lifts or inclined and vertical wheelchair lifts and if they are not in violation of fire safety regulations as established by the department [until such time as a national standard shall be created and approved by the board].

Section 12. Windows. (1) General. If windows intended to be operated by occupants are provided, at least one (1) operable window in each accessible space shall comply with this section.

(2) Window hardware. Windows requiring pushing, pulling or lifting to open (for example, doublehung, sliding, or casement and awning units without cranks) shall require no more than five (5) pounds to open or close. Locks, cranks, and other window hardware shall comply with Section 27.

Section 13. Doors. (1) General. All doors to accessible spaces and elements and along accessible routes shall comply with the requirements of this section.

(2) Revolving doors and turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route.

(3) Gates. Gates, including ticket gates, shall meet all applicable specifications of this section.

(4) Double-leaf doorways. If doorways have two (2) door leaves, then at least one (1) leaf shall meet the specifications in subsections (5) and (6) of this section. That leaf shall be an active leaf.

(5) Clear width. Doorways shall have a minimum clear opening of thirty-two (32) inches with the door open ninety (90) degrees, measured between the face of the door and the stop. Openings more than twenty-four (24) inches in depth shall have a minimum clear opening of thirty-six (36) inches.

(6) Maneuvering clearances at doors. Minimum maneuvering clearances for doors that are not automatic shall be as shown in Appendix A, Figure 7. The floor or ground area within the required clearances shall be level and clear. Doors required to be a minimum of forty-four (44) inches in institutional buildings shall be exempt from

the requirements for space at the latch side of the door.

(7) Two (2) doors in series. The minimum space between two (2) doors in series shall be forty-eight (48) inches plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors.

(8) Thresholds at doorways. Thresholds at doorways shall not exceed one-half ( $\frac{1}{2}$ ) inch in height except that thresholds at exterior sliding doors shall not exceed three-fourth ( $\frac{3}{4}$ ) inch. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2, and shall meet the requirements of Section 5(2)(a).

(9) Door hardware. Handles, pulls, latches, locks and other operating devices on accessible doors shall have a shape that is easy to grasp with one (1) hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Doors to hazardous areas shall have hardware complying with Section 29(3).

(10) Door closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of seventy (70) degrees, the door will take at least three (3) seconds to move to a point three (3) inches from the latch, measured to the leading edge of the door.

(11) Door opening force. The maximum force for pushing or pulling open a door shall be as follows:

(a) Fire doors shall have the minimum opening force of fifteen (15) pounds and as required in Section 812.5.4 of the Kentucky Building Code.

(b) Other doors: exterior hinged doors, 8.5 pounds; interior hinged doors, five (5) pounds; sliding or folding doors, five (5) pounds. These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

(12) Automatic doors and power-assisted doors. If an automatic door is used, then it shall comply with American National Standard for Power-Operated Doors, ANSI A156.10-1979. Slowly opening, low-powered, automatic doors shall be considered a type of custom design installation as described in paragraph 1.1.1 of ANSI A156.10-1979. Such doors shall not open to back check faster than three (3) seconds and shall require no more than fifteen (15) pounds to stop door movement. If a power-assisted door is used, its door opening force shall comply with subsection (11) of this section and its closing shall conform to the requirements in Section 10 of ANSI A156.10-1979.

(13) Framed glass doors. Where framed glass doors are used, the bottom rail shall be a minimum height of seven and one-half ( $7\frac{1}{2}$ ) inches.

**Section 14. Entrances.** (1) Principal entrances. Principal entrances to a building or facility shall be part of an accessible route and shall comply with Section 5(1). Such entrances shall be connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, and to public streets or sidewalks if available. They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

(2) Service entrances. A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility (for example, in a factory or garage).

**Section 15. Drinking Fountains and Water Coolers.** (1) Minimum number. Where drinking fountains or water coolers are required, a reasonable number, but always at least one (1) per floor and/or wing, shall comply with this section and shall be on an accessible route.

(2) Spout height. Spouts shall be no higher than thirty-six (36) inches, measured from the floor or ground surfaces to the spout outlet.

(3) Spout location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water so as to allow the insertion of a cup or glass under the flow of water.

(4) Controls. Controls shall comply with Section 27(4).

(5) Clearances. Wall and post mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least twenty-seven (27) inches high, thirty (30) inches wide, and seventeen (17) inches to nineteen (19) inches deep. Such units shall also have a minimum clear floor space thirty (30) inches by forty-eight (48) inches to allow a person in a wheelchair to make a parallel approach to the unit. This clear floor space shall comply with Section 4(4).

**Section 16. Water Closets.** Accessible water closets shall comply with this section. For water closets in adaptable dwelling units, see Section 35(4)(b).

(1) Clear floor space. Clear floor space for water closets not in stalls shall comply with Appendix A, Figure 9. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

(2) Height. The height of water closets shall be seventeen (17) inches to nineteen (19) inches measured to the top of the toilet seat (see Appendix A, figure 10). Seats shall not be sprung to return to a lifted position when not in use.

(3) Grab bars. Grab bars for water closets shall comply with Appendix A, Figures 9 and 10, and Section 4. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required floor area.

(4) Flush controls. Flush controls shall be hand operated and shall comply with Section 27(4). Controls for flush valves shall be mounted no more than forty (40) inches above the floor.

(5) Dispensers. Toilet paper dispensers shall be installed within reach as shown in Appendix A, Figure 10. Dispensers shall not control delivery and shall permit continuous paper flow.

**Section 17. Toilet Stalls.** (1) Location. Accessible toilet stalls shall be on an accessible route and shall meet the requirements of this section.

(2) Water closets. Water closets in stalls shall comply with Section 16.

(3) Size and arrangement. The size and arrangement of the toilet stalls shall comply with Appendix A, Figure 11(a). In existing buildings alternate stalls (Appendix A, Figure 11(b)) may be used where available space prohibits installation of the standard stall. Arrangements shown for stalls may be reversed to allow either a left or right-handed approach.

(4) Toe clearances. In standard stalls, the front partition and at least one (1) side partition shall provide a toe clearance of at least nine (9) inches above the floor. If the depth of the stall is greater than sixty (60) inches, then the toe clearance is not required.

(5) Doors. Toilet stall doors shall comply with Section 13. Doors of toilet stalls shall be out-swinging. Doors on toilet stalls shall have either a self-closing mechanism or a pull mounted on the hinged side of the stall door.

(6) Grab bars. Provide grab bars at toilet stalls as shown in Appendix A, Figures 10 and 11. Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with Section 26.

Section 18. Urinals. (1) General. Accessible urinals shall comply with this section.

(2) Heights. Urinals shall be stall-type or wallhung with an elongated rim at a maximum of seventeen (17) inches above the floor.

(3) Clear floor space. A clear floor space thirty (30) inches by forty-eight (48) inches shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with Section 4(4).

(4) Flush controls. Flush controls shall be hand operated, shall comply with Section 27(4) and shall be mounted no more than forty (40) inches above the finished floor.

(5) Urinal shields. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with twenty-nine (29) inches clearance between them.

Section 19. Lavatories and Mirrors. The requirements of this section shall apply to lavatory fixtures, vanities, and built-in lavatories.

(1) Height and clearances. Lavatories shall be mounted with a clearance of at least twenty-nine (29) inches from the floor to the bottom of the apron. Thirty-four (34) inches is the maximum height of top of the front lip of the lavatory. Knee and toe clearances shall comply with Appendix A, Figure 12.

(2) Clear floor space. A clear floor space thirty (30) inches by forty-eight (48) inches complying with Section 4(4) shall be provided in front of a lavatory to allow a forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of nineteen (19) inches underneath the lavatory.

(3) Exposed pipes and surfaces. If hot water exceeds 120 degrees Fahrenheit, the hot water and drain pipes under lavatories shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories.

(4) Faucets. Faucets shall comply with Section 27(4). Lever-operated, push-type and electronically controlled mechanisms are examples of acceptable designs. Self-closing valves are allowed if the faucet remains open for at least ten (10) seconds.

(5) Mirrors. Mirrors shall be mounted with the bottom edge no higher than forty (40) inches from the floor.

Section 20. Bathtubs. (1) General. Accessible bathtubs shall comply with this section. For bathtubs in accessible dwelling units, see Section 35(4)(d).

(2) Floor space. Clear floor space in front of bathtubs shall be as shown in Appendix A, Figure 13.

(3) Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Appendix A, Figures 13 and 14. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

(4) Grab bars. Grab bars complying with Section 26

shall be provided as shown in Appendix A, Figures 13 and 14.

(5) Controls. Faucets and other controls complying with Section 27(4) shall be located as shown in Appendix A, Figure 14.

(6) Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

(7) Bathtub enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.

Section 21. Shower Stalls. (1) General. Accessible shower stalls shall comply with this section. For shower stalls in accessible dwelling units, see Section 35(4)(e).

(2) Size and clearances. Shower stall size and clear floor space shall comply with Appendix A, Figure 15.

(3) Seat. A seat shall be provided in transfer shower stalls as shown in Appendix A, Figure 16. The seat shall be mounted seventeen (17) inches to nineteen (19) inches from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with Section 26(3).

(4) Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figure 17.

(5) Controls. Faucets and other controls complying with Section 27(4) shall be located as shown in Appendix A, Figure 17. In transfer shower stalls all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

(6) Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head or as a hand-held shower shall be provided.

(7) Curbs. If provided, curbs in transfer shower stalls shall be no higher than four (4) inches. Roll-in shower stalls shall not have curbs.

(8) Shower enclosures. If provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

Section 22. Toilet Rooms. (1) Minimum number. All toilet rooms provided for public use or otherwise required by the Kentucky Building Code shall be on an accessible route and shall comply with this section.

(2) Doors. All doors to accessible toilet rooms shall comply with Section 13. Doors shall not swing into the clear floor space required for any fixture.

(3) Clear floor space. The accessible fixtures and controls required in subsections (4), (5), (6) and (7) of this section shall be on an accessible route. An unobstructed turning space complying with Section 4(3) shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

(4) Water closets. If toilet stalls are provided, then a reasonable number, but always at least one (1), shall comply with Section 17; its water closet shall comply with Section 15. If water closets are not in stalls, then a reasonable number, but always at least one (1), of water closets shall comply with Section 16.

(5) Urinals. If urinals are provided, a reasonable number, but always at least one (1), shall comply with Section 18.

(6) Lavatories and mirrors. If lavatories and mirrors are provided, a reasonable number, but always at least one (1) of each, shall comply with Section 19.

(7) Controls and dispensers. If controls, dispensers, receptacles, or other equipment is provided, at least one (1) of each shall be on an accessible route and shall comply with Section 27.

(8) Emergency lighting. Where emergency lighting in a building is required by Section 624 of the Kentucky Building Code, the emergency lighting shall be provided in accessible toilet rooms.

Section 23. Bathrooms, Bathing Facilities and Shower Rooms. (1) Minimum number. Bathrooms, bathing facilities, or shower rooms on an accessible route shall comply with this section. For bathrooms in accessible dwelling units, see Section 35(4).

(2) Doors. Doors to accessible bathrooms shall comply with Section 13. Doors shall not swing into the floor space required for any fixture.

(3) Clear floor space. The accessible fixtures and controls required in subsections (4), (5), (6), (7), (8), and (9) of this section shall be on an accessible route. An unobstructed turning space complying with Section 4(3) shall be provided within an accessible bathroom. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

(4) Water closets. If toilet stalls are provided, then a reasonable number, but always at least one (1), shall comply with Section 17; its water closet shall comply with Section 16. If water closets are not in stalls, then a reasonable number, but always at least one (1), shall comply with Section 16.

(5) Urinals. If urinals are provided, then a reasonable number, but always at least one (1), shall comply with Section 18.

(6) Lavatories and mirrors. If lavatories and mirrors are provided, then a reasonable number, but always at least one (1) of each, shall comply with Section 19.

(7) Controls and dispensers. If controls, dispensers, receptacles, or other equipment is provided, at least one (1) of each shall be on an accessible route and shall comply with Section 27.

(8) Bathing and shower facilities. If tubs or showers are provided, then at least one (1) accessible tub that complies with Section 20 or at least one (1) accessible shower that complies with Section 20 or at least one (1) accessible shower that complies with Section 21 shall be provided.

(9) Medicine cabinets. If medicine cabinets are provided, at least one (1) shall be located with a usable shelf no higher than forty (40) inches above the floor space. The floor space shall comply with Section 4(4).

Section 24. Sinks. (1) General. If accessible sinks are provided, they shall comply with this section. Sinks in kitchens of accessible dwelling units shall comply with Section 35(5)(e).

(2) Height. Sinks shall be mounted with the counter or rim no higher than thirty-four (34) inches from the floor.

(3) Knee clearance. Knee clearance that is twenty-seven (27) inches high, thirty (30) inches wide, and nineteen (19) inches deep shall be provided underneath sinks.

(4) Depth. Each sink shall be a maximum of six and one-half (6½) inches deep.

(5) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of nineteen (19) inches underneath the sink.

(6) Exposed pipes and surfaces. If hot water exceeds 120 degrees Fahrenheit, hot water and drain pipes under sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under sinks.

(7) Faucets. Faucets shall comply with Section 27(4). Lever-operated push-type, touch-type, or electronically controlled mechanisms are acceptable designs.

Section 25. Storage. (1) General. Accessible storage facilities such as cabinets, shelves, closets, and drawers shall comply with this section.

(2) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.

(3) Height. Accessible storage spaces shall be within at least one (1) of the reach ranges specified in Section 4(5) and (6). Clothes rods shall be a maximum of forty-eight (48) inches from the floor.

(4) Hardware. Hardware for accessible storage facilities shall comply with Section 27(4). Touch latches and U-shaped pulls are acceptable.

Section 26. Handrails, Grab Bars and Tub and Shower Seats. (1) General. All handrails, grab bars, and tub and shower seats shall comply with this section.

(2) Size and spacing of grab bars and handrails. The outside diameter or width of the gripping surfaces of handrail or grab bar shall be one and one-fourth (1¼) inch to one and one-half (1½) inch or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the handrail or grab bars shall be one and one-half (1½) inch (see Appendix A, Figure 18). Handrails may be located in a recess if the recess is a maximum of three (3) inches deep and extends at least eighteen (18) inches above the top of the rail (see Appendix A, Figure 18).

(3) Structural strength. Handrails, grab bars, tub and shower seats, fasteners, and mounting devices shall support a minimum concentrated load of 250 pounds and shall not rotate in their fittings.

(4) Eliminating hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of one-eighth (1/8) inch.

Section 27. Controls and Operating Mechanisms. (1) General. Controls and operating mechanisms in accessible spaces, along accessible routes, or as part of accessible elements (for example, light switches, dispenser controls) shall comply with this section.

(2) Clear floor space. Clear floor space complying with Section 4(4) that allows a forward or parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

(3) Height. The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one (1) of the reach ranges specified in Section 4(5) and (6). Except where the use of special equipment dictates otherwise, electrical and communications systems receptacles on walls shall be mounted no less than fifteen (15) inches above the floor.

(4) Operation. Controls and operating mechanisms shall be operable with one (1) hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than five (5) pounds of force.

Section 28. Alarms. (1) General. If emergency warning systems are provided, they shall include both audible alarms complying with subsection (2) of this section and visual alarms complying with subsection (3) of this section. In facilities with sleeping accommodations, accessible sleeping accommodations shall have an auxiliary visual alarm system complying with subsection (4) of this section.

(2) Audible alarms. Audible emergency alarms shall produce a sound that exceeds the ambient room or space noise by at least fifteen (15) decibels or exceeds any maximum sound level with a duration of thirty (30) seconds by five (5) decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.

(3) Visual alarms. Electronically powered internally illuminated emergency exit signs or adjacent devices shall flash as a visual emergency alarm in conjunction with audible emergency alarms. The flashing frequency of visual alarm devices shall be less than five (5) Hz. If such alarms use electricity from the building as a power source, then they shall be installed on the same system as the audible emergency alarms.

(4) Auxiliary alarms. Accessible sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard 110-volt electrical receptacle into which such an alarm could be connected. Instructions for use of the auxiliary alarm or connection shall be provided.

(5) Alarm activators. Alarm activators shall comply with Section 27 controls and operating mechanisms.

(6) Special alarm systems. Specialized alarm systems utilizing advanced technology will be considered on a case-by-case basis.

Section 29. Tactile Warnings. (1) General. Where tactile warnings are required, they shall comply with this section.

(2) Tactile warnings on walking surfaces. Tactile warning textures on walking surfaces shall contrast with that of the surrounding surface. Raised strips or grooves shall comply with Appendix A, Figure 19. Grooves may be used indoors only.

(3) Tactile warnings on doors to hazardous areas. Doors that lead to areas that might prove dangerous to a blind person (for example, doors to loading platforms, mechanical rooms, stages, and the like) shall be made identifiable to the touch by a textured surface on the door handle, knob, pull, or other operating hardware. This textured surface may be made by knurling or roughening or by a material applied to the contact surface. Such textured surfaces shall not be provided for emergency exit doors or any doors other than those to hazardous areas.

(4) Tactile warnings at stairs. All stairs (except those in dwelling units, in enclosed stair towers, or set to the side of the path of travel) shall have a tactile warning at the top of stair runs.

(5) Tactile warnings at hazardous vehicular areas. If a walk crosses or adjoins a frequently used vehicular way, and if there are no curbs, railings, or other elements detectable by a person who has a severe visual impairment separating the pedestrian and vehicular areas, then the boundary between the areas shall be defined by a continuous thirty-six (36) inch wide tactile warning texture complying with subsection (2) of this section.

(6) Tactile warnings at reflecting pools. The edges of reflecting pools shall be protected by railings, walls, curbs, or tactile warnings complying with subsection (2) of this section.

(7) Standardization. Textured surfaces for tactile warn-

ings shall be standard within a building, facility, site, or complex of buildings.

Section 30. Signage. (1) General. All signage that provides emergency information of general circulation directions or identifies rooms and spaces shall comply with this section.

(2) Character proportion and contrast. Letters and numbers on sign systems shall:

(a) Have a width-to-height ratio of between 3:5 and 1:1.

(b) Have a stroke width-to-height ratio of between 1:5 and 1:10.

(c) Contrast in value with their backgrounds, preferably light letters on a dark background.

(d) Have a matte finish on a matte finish background.

(3) Raised or incised characters. Provide numbers and letters that are:

(a) Raised or incised from the background surface one thirty-second (1/32) inch. Also incise or raise symbols and pictographs in this manner.

(b) Between five-eighths (5/8) inch and two (2) inches high.

(c) Sans serif with sharply defined edges.

(d) If incised, provided with at least one-fourth (1/4) inch stroke width.

(4) Mounting location and height. Signage shall be placed in a standardized location throughout a building or facility as follows:

(a) Interior signage shall be located on the door or alongside of the door on the latch side and shall be mounted at between four feet, six inches (4'6") and five feet, six inches (5'6") above finished floor.

(b) Exterior signage shall be installed at entrances and walks to direct individuals to accessible routes and entrances as required.

(c) Symbols of accessibility. If accessible facilities are identified, then the international sign of accessibility shall be used.

Section 31. Telephones. (1) General. If public telephones are provided, then they shall comply with this section.

(2) Clear floor or ground space. A clear floor or ground space at least thirty (30) inches by forty-eight (48) inches that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones. The clear floor or ground space shall comply with Section 4(4). Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.

(3) Mounting height. The highest operable part of the telephone shall be within reach ranges specified in Section 4(5) or (6). Telephones mounted diagonally shall have the highest operable part no higher than fifty-four (54) inches above the floor.

(4) Enclosures. If telephone enclosures are provided, they may overhang the clear floor space required in subsection (2) of this section within the following limits:

(a) Side reach possible: The overhang shall be no greater than nineteen (19) inches; the height of the lowest overhanging part shall be equal to or greater than twenty-seven (27) inches.

(b) Full-height enclosures: Entrances to full-height enclosures shall be thirty (30) inches clear minimum.

(c) Forward reach required: If the overhang is greater than twelve (12) inches, then the clear width of the enclosure shall be thirty (30) inches minimum, if the clear width of the enclosure is less than thirty (30) inches, then

the height of the lowest overhanging part shall be equal to or greater than twenty-seven (27) inches.

(d) Where telephone enclosures protrude into walls, halls, corridors, or aisles, they shall also comply with Section 5(3).

(5) Equipment for hearing impaired people. Telephones shall be equipped with a receiver that generates a magnetic field in the area of the receiver cap. If banks of public telephones are provided, a minimum of five (5) percent, but always at least one (1), in a building or facility shall be equipped with a volume control.

(6) Controls. Telephones shall have pushbutton controls where service for such equipment is available.

(7) Telephone books. Telephone books, if provided, shall be located so that they can be used by a person in a wheelchair.

(8) Cord length. The cord from the telephone to the handset shall be at least twenty-nine (29) inches long.

Section 32. Seating, Tables, and Work Surfaces. (1) Minimum number. If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, the minimum number of spaces for use by persons in wheelchairs shall be in accordance with Table II of Section 33 of this regulation.

(2) Seating. If seating spaces for people in wheelchairs are provided at tables, counters, or work surfaces, clear floor space complying with Section 4(4) shall be provided. Such clear floor space shall not overlap knee space by more than nineteen (19) inches.

(3) Knee clearances. If seating for people in wheelchairs is provided at tables, counters, and work surfaces, knee spaces at least twenty-seven (27) inches high, thirty (30) inches wide, and nineteen (19) inches deep shall be provided.

(4) Height of work surfaces. The tops of tables and work surfaces shall be from twenty-eight (28) inches to thirty-four (34) inches from the floor to ground.

Section 33. Assembly Areas. (1) Minimum number. Assembly areas shall have designated spaces for wheelchair use in each assembly area that complies with this section and the minimum number of wheelchair spaces shall be in accordance with Table II. Assembly areas with audio-amplification systems shall have a listening system complying with subsections (6) and (7) of this section to assist persons with severe hearing loss in the appreciation of audio presentations.

TABLE II

50 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
Over 500	10 plus a reasonable number not to exceed 1% to be determined by Section 1(5).

(2) Size of wheelchair locations. Each wheelchair location shall provide minimum clear ground or floor space of sixty-six (66) inches wide by forty-eight (48) inches deep for forward or rear access and sixty-six (66) inches deep for side access and shall accommodate two (2) people in wheelchairs.

(3) Placement of wheelchair locations:

(a) Wheelchair areas shall be an integral part of any fixed seating plan and shall be dispersed throughout the seating area. They shall adjoin an accessible route that also serves as a means of egress in case of emergency and shall be located to provide lines of sight comparable to those for all viewing areas.

(b) Exception. In alteration work where it is structurally impossible to alter seating location to disperse seating throughout, seating may be located in collected areas, but must adjoin an accessible route.

(4) Surfaces. The ground or floor at wheelchair locations shall be level and shall comply with Section 5(2).

(5) Access to performing areas. An accessible route shall be provided to performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

(6) Placement of listening systems. If the listening system provided serves individual fixed seats, then such seats shall be located within a fifty (50) foot viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

(7) Types of listening systems. Audio loops and radio frequency systems are two (2) acceptable types of listening systems. The department will rely upon the advice of the Kentucky Commission for the Deaf and Hearing Impaired in its interpretations and enforcement relative to the requirements for access to the hearing impaired.

(8) The provisions of this section are intended to apply to performing arts and movie theaters as well as public meeting places, auditoriums and gymnasiums, among others.

Section 34. Hotels and Motels. Minimum Requirements. In hotel and motel buildings, lodging houses, boarding houses, and dormitory buildings, providing sleeping accommodations for twenty (20) or more individuals, a minimum of five (5) percent of those accommodations shall be accessible to and shall comply with Section 3(1) and (2).

Section 35. Dwelling Units. Where multi-family housing projects are required to be accessible, a minimum of one (1) in twenty-five (25) dwelling units shall meet the requirements of this section.

(1) An accessible dwelling unit shall be on an accessible route. An accessible dwelling unit shall have the following accessible elements and spaces as a minimum:

(a) Common spaces and facilities serving individual accessible dwelling units (for example, entry walks, trash disposal facilities, and mail boxes) shall comply with Sections 3 through 33.

(b) Accessible spaces shall have maneuvering space complying with Section 4(2) and (3) and surfaces complying with Section 5(2).

(c) At least one (1) accessible route complying with Section 5(1) shall connect the accessible entrances with all accessible spaces and elements within the dwelling units.

(d) If parking spaces are assigned for use with individual dwelling units, then at least one (1) parking space per accessible dwelling unit shall comply with Section 6(3).

(e) If windows intended to be operated by occupants are provided, then they shall comply with Section 12.

(f) Doors to and in accessible spaces that are intended for passage shall comply with Section 13.

(g) All entrances to accessible dwelling units shall comply with Section 14.

(h) Storage in accessible spaces in dwelling units, including cabinets, shelves, closets, and drawers, shall comply with Section 25.

(i) All controls in accessible spaces shall comply with Section 27. Those portions of heating, ventilating, and air conditioning equipment requiring regular, periodic maintenance and adjustment by the resident of a dwelling shall be accessible to people in wheelchairs. If air distribution registers must be placed in or close to ceilings for proper air circulation, this specification shall not apply to registers.

(j) If emergency alarms are provided, alarm connections complying with Section 28(4), (5), and (6) shall be provided in the dwelling unit.

(k) If telephone connections are installed in the dwelling unit, a reasonable number, but always at least one (1), shall comply with Section 31(2) and (3).

(l) A reasonable number, but always at least one (1), of full bathrooms shall comply with subsection (4) of this section. A full bathroom shall include a water closet, a lavatory, and a bathtub or shower.

(m) The kitchen shall comply with subsection (5) of this section.

(n) If laundry facilities are provided, they shall comply with subsection (6) of this section.

(o) The following spaces shall be accessible and shall be on an accessible route:

1. The living area.
2. The dining area.
3. The sleeping area, or the bedroom in one (1) bedroom dwelling units, or at least two (2) bedrooms or sleeping spaces in dwelling units with two (2) or more bedrooms.
4. Patios, terraces, balconies, carports, and garages, if provided with the dwelling unit.

(2) Adaptability. The specifications of subsection (5) of this section are based on the concept of adaptability.

(3) Consumer information. To ensure that the existence of adaptable features will be known to the owner or occupant of a dwelling, consumer information shall be provided for each accessible dwelling unit for rent or sale.

(4) Bathrooms. Bathrooms shall be on an accessible route and shall comply with the requirements of this subsection.

(a) Minimum dimensions. Accessible bathrooms shall accommodate wheelchair turning space in accordance with Section 4(3). Door operation shall not interfere with maneuverability.

(b) Water closets:

1. Clear floor space at the water closet shall be as shown in Appendix A, Figure 9. The water closet may be located with the clear area at either the right or left side of the toilet.

2. The height of the water closet shall be at least seventeen (17) to nineteen (19) inches measured to the top of the toilet seat.

3. Grab bars shall be installed as shown in Appendix A, Figure 10 and shall comply with Section 26.

4. The toilet paper dispenser shall be installed within reach as shown in Appendix A, Figure 10.

(c) Lavatory, mirrors, and medicine cabinets:

1. The lavatory and mirrors shall comply with Section 19.

2. If a medicine cabinet is provided above the lavatory, then the bottom of the medicine cabinet shall be located with a usable shelf no higher than forty-four (44) inches above the floor.

(d) Bathtubs. If a bathtub is provided, then it shall have the following features:

1. Floor space. Clear floor space at bathtubs shall be as shown in Appendix A, Figure 13.

2. Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Appendix A, Figures 13 and 14. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

3. Grab bars. Grab bars shall be installed as shown in Appendix A, Figure 14 and shall comply with Section 26.

4. Controls. Faucets and other controls shall be located as shown in Appendix A, Figure 14 and shall comply with Section 27(4). Single lever and mixing devices are acceptable designs.

5. Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

(e) Showers. If a shower is provided, it shall have the following features:

1. Size and clearances. Shower stall size and clear floor space shall comply with Appendix A, Figure 15.

2. Seat. A seat shall be provided in the transfer shower stalls as shown in Appendix A, Figure 16. The seat shall be seventeen (17) inches to nineteen (19) inches high measured from the bathroom floor and shall extend the full depth of the stall. The seat shall be on the wall opposite the controls. The structural strength of seats and their attachments shall comply with Section 26(3). Seats shall be mounted securely and shall not slip during use.

3. Grab bars. Grab bars complying with Section 26 shall be provided as shown in Appendix A, Figure 17.

4. Controls. Faucets and other controls shall be located as shown in Appendix A, Figure 17 and shall comply with Section 27(4). In transfer shower stalls, all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

5. Shower unit. A shower spray unit with a hose at least sixty (60) inches long that can be used as a fixed shower head at various heights or as a hand-held shower shall be provided.

(f) Bathtub and shower enclosures. Enclosures for bathtubs or shower stalls shall not obstruct controls or transfer from wheelchairs onto shower or bathtub seats. Enclosures on bathtubs shall not have tracks mounted on their rims.

(g) Clear floor space. Clear floor space at fixtures may overlap.

(5) Kitchens. Kitchens and their components shall be on an accessible route and shall comply with the requirements of this subsection.

(a) Clearance. Clearances between all opposing base cabinets, counter tops, appliances or walls shall accommodate wheelchair turning space in accordance with Section 4(3).

(b) Clear floor space. A clear floor space at least thirty (30) inches by forty-eight (48) inches complying with Section 4(4) that allows either a forward or a parallel approach by a person in a wheelchair shall be provided at all appliances in the kitchen, including the range or cooktop, oven, refrigerator/freezer, dishwasher, and trash compactor. Laundry equipment located in the kitchen shall comply with subsection (6) of this section.

(c) Controls. All controls in kitchens shall comply with Section 27.

(d) Work surfaces. At least one (1) thirty (30) inch sec-

tion of counter shall provide a work surface that complies with the following requirements:

1. The counter either shall be adjustable (or replaceable as a unit) to provide alternative heights of twenty-eight (28) inches to thirty-six (36) inches, or shall be fixed at thirty (30) inches measured from the floor to the top of the counter surface.

2. Base cabinets, if provided, shall be removable under the full thirty (30) inch minimum frontage of the counter. The finished floor shall extend under the counter to the wall.

3. Counter thickness and supporting structure shall be two (2) inches maximum over the required clear area.

4. A clear floor space thirty (30) inches by forty-eight (48) inches shall allow a forward approach to the counter. Nineteen (19) inches maximum of the clear floor space may extend underneath the counter. The knee space shall have a minimum clear width of thirty (30) inches and a minimum clear depth of nineteen (19) inches.

5. There shall be no sharp or abrasive surfaces under such counters.

- (e) Sink. The sink and surrounding counter shall comply with the following requirements:

1. The sink and surrounding counter either shall be adjustable (or replaceable as a unit) to provide alternative heights of twenty-eight (28) inches to thirty-six (36) inches, or shall be fixed at thirty (30) inches measured from the floor to the top of the counter surface or sink rim. The total width of sink and counter area shall be thirty (30) inches minimum.

2. Where the sink is adjustable, rough-in plumbing shall be located to accept connections of supply and drain pipes for sinks mounted at the height of twenty-eight (28) inches.

3. The depth of a sink bowl shall be no greater than six and one-half (6½) inches.

4. Faucets shall comply with Section 27(4). Lever-operated or push-type mechanisms are two (2) acceptable designs.

5. Base cabinets, where provided, shall be removable under the full thirty (30) inch minimum frontage of the sink and surrounding counter. The finished flooring shall extend under the counter to the wall.

6. Counter thickness and supporting structure shall be two (2) inches maximum over the required clear space.

7. A clear floor space thirty (30) inches by forty-eight (48) inches shall allow forward approach to the sink. Nineteen (19) inches maximum of the clear floor space may extend underneath the sink. The knee space shall have a minimum clear width of thirty (30) inches and a clear depth of nineteen (19) inches.

8. There shall be no sharp or abrasive surfaces under sinks. If hot water exceeds 120 degrees Fahrenheit, hot water and drain pipes under sinks shall be insulated or otherwise covered.

- (f) Ranges and cooktops. Ranges and cooktops shall comply with subsection (5)(b) of this section and Section 27. If ovens or cooktops have been spaces underneath, then they shall be insulated or otherwise protected on the exposed contact surfaces to prevent burns, abrasions, or electrical shock. The clear floor space may overlap the knee space, if provided, by nineteen (19) inches maximum. The location of controls for ranges and cooktops shall not require reaching across burners.

- (g) Ovens. Ovens shall comply with subsection (5)(b) of this section and Section 27. Ovens shall be of the self-cleaning type or be located adjacent to a counter with knee

space below. For side-opening ovens, the door latch side shall be next to the open counter space, and there shall be a pull-out shelf under the oven extending the full width of the oven and pulling out not less than ten (10) inches when fully extended. Ovens shall have controls on front panels; they may be located on either side of the door.

- (h) Refrigerator/freezers. Refrigerator/freezer type shall comply with Section 27. Refrigerators shall be:

1. Of the vertical side-by-side refrigerator/freezer type; or

2. Of the over-and-under type and meet the following requirements:

- a. Have at least fifty (50) percent of the freezer space below fifty-four (54) inches above the floor.

- b. Have 100 percent of the refrigerator space and controls below fifty-four (54) inches. Freezers with less than 100 percent of the storage volume within the limits specified in subsections (5) or (6) of this section shall be the self-defrosting type.

- (i) Dishwashers. Dishwashers shall comply with subsection (5)(b) of this section and Section 27. Dishwashers shall have all rack space accessible from the front of the machine for loading and unloading dishes.

- (j) Kitchen storage. At least fifty (50) percent of kitchen storage areas shall comply with Section 25. Door pulls or handles for wall cabinets shall be mounted as close to the bottom of cabinet doors as possible. Door pulls or handles for base cabinets shall be mounted as close to the top of cabinet doors as possible.

- (6) Laundry facilities. If laundry equipment is provided within individual accessible dwelling units, or if separate laundry facilities serve one (1) or more accessible dwelling units, then they shall meet the requirements of this subsection.

- (a) Location. Laundry facilities and laundry equipment shall be on an accessible route.

- (b) Washing machines and clothes dryers. Washing machines and clothes dryers in common-use laundry rooms shall be front loading.

- (c) Controls. Laundry equipment shall comply with Section 27.

(See Appendix A in Volume 5 of the 1983 Kentucky Administrative Regulations Service.)

CHARLES A. COTTON, Commissioner

ADOPTED: December 6, 1983

APPROVED: DONALD N. RHODY, Secretary

RECEIVED BY LRC: December 6, 1983 at 9:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Judith G. Walden, Legal Counsel, Department of  
Housing, Buildings and Construction, The 127 Building,  
U.S. 127 South, Frankfort, Kentucky 40601.

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Insurance**  
**(Proposed Amendment)**

**904 KAR 1:061. Payments for medical transportation.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The *Cabinet* [Department] for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the *cabinet* [department], by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the *cabinet* [Department] for medical transportation services.

**Section 1. Ambulance Services:** (1) The *cabinet* [department] shall reimburse participating ambulance services at the lesser of their usual and customary charges or the maximum rate established by the *cabinet* [department].

(2) *The maximum rate is the amount arrived at by combining the following component costs, as applicable:* [The maximum rate shall be arrived at by combining a base rate of twenty dollars (\$20), which includes the first ten (10) miles of transportation, with a mileage allowance of fifty (50) cents per mile for mileage above the first ten (10) miles.]

(a) *The base rate, which is set at fifty dollars (\$50) per one (1) way trip and includes all mileage costs for the first ten (10) miles;* ["Maximum rate" means the maximum the department will pay computed on the basis of a base rate plus mileage.]

(b) *A mileage allowance of one dollar (\$1) per mile for mileage above the first ten (10) miles;* ["Base rate" means the maximum the department will pay for transportation within the first ten (10) miles.]

(c) *An oxygen rate, which is set at eight dollars (\$8) per one (1) way trip; and*

(d) *The cost (as determined by the cabinet) of other itemized supplies.*

**Section 2. Commercial Transportation Vendors:** (1) "Commercial transportation vendors" means those commercial carriers licensed in accordance with the laws of Kentucky, other states, or of the United States to transport members of the general public.

(2) The *cabinet* [department] shall reimburse commercial transportation vendors at the normal passenger rate charged to the general public, except that the following maximum rates shall be applicable for franchised (licensed) taxi services in those areas of the state where taxi rates are not regulated by the appropriate local rate setting authority, and for franchised (licensed) taxi services in regulated areas when they go outside the medical service area.

(a) The upper limit shall be the usual and customary charge up to a maximum of three dollars (\$3) for trips of five (5) miles or less, one (1) way, loaded miles.

(b) The upper limit shall be the usual and customary charge up to a maximum of six dollars (\$6) for trips of six (6) to ten (10) miles, one (1) way, loaded miles.

(c) The upper limit shall be the usual and customary charge up to a maximum of ten dollars (\$10) for trips of eleven (11) to twenty-five (25) miles, one (1) way, loaded miles.

(d) The upper limit shall be the usual and customary charge up to a maximum of fifteen dollars (\$15) for trips of twenty-six (26) miles or over, one (1) way, loaded miles.

**Section 3. Private Automobile Vendors:** (1) "Private automobile vendor" means a person owning or having access to a private vehicle not used for commercial transportation purposes and who uses that vehicle for the occasional medical transportation of eligible recipients. Included within this definition are ambulance type vendors who are non-certified or who have not chosen or been approved to participate in the Title XIX program, if willing to accept private automobile vendor rates.

(2) (a) The *cabinet* [department] shall reimburse private automobile vendors at the basic rate of twelve (12) cents per mile plus a flat fee of two dollars (\$2) per eligible passenger if waiting time is required. For round trips of less than five (5) miles the rate shall be computed on the basis of a maximum allowable fee of three dollars (\$3) for the first passenger plus two dollars (\$2) each for waiting time for additional eligible passengers.

(b) For round trips of five (5) to twenty-five (25) miles the rate shall be computed on the basis of a maximum allowable fee of five dollars (\$5) for the first passenger plus two dollars (\$2) each for waiting time for additional eligible passengers. The maximum allowable fee rates shall not be utilized in situations where mileage is paid. Toll charges are reimbursable when incurred.

(3) "Maximum allowable fee" means that even though the rate when computed on the basis of twelve (12) cents per mile plus two dollars (\$2) for waiting time would not equal the three dollars (\$3) or five dollars (\$5) allowable amounts, that amount may be paid to encourage private automobile vendors to provide necessary medical transportation. Additionally, nothing in the above subsection (2) should be construed to require the *cabinet* [department] to pay the amounts specified therein in the event the private automobile vendor expresses a preference for reimbursement in a lesser amount; in that event, the lesser amount will be paid.

(4) "Waiting time" means that period of time following provision of transportation to a medical vendor during which the private automobile vendor is waiting for the recipient to receive medical treatment, in order to provide the return trip required by the recipient. In the instance of an eligible recipient being admitted to a medical institution for inpatient care, waiting time is considered to have occurred when the private automobile vendor waits a sufficient period of time to ensure the recipient's admittance to the facility. Waiting time is a reimbursable component of the private automobile vendor transportation fee only when waiting time occurs. When waiting time occurs due to admittance of the recipient into the medical institution, the private automobile vendor may be reimbursed for the return trip to the point of recipient pick-up as though the client were in the vehicle; that is, the total reimbursable amount is computed on the basis of the maximum allowable fee or mileage rate plus waiting time as shown in subsection (2) of this section.

**Section 4. Non-Commercial Group Carriers:** (1) "Non-commercial group carriers" means those vendors who provide bus or bus-type medical transportation to an identifiable segment of the eligible recipient group. Such segment may be identifiable by geographical boundary, type of medical service required, common medical destination (i.e., clinic, mental health center, primary care center,

etc.), or other similar grouping method. Included within this definition are:

(a) Mental health centers providing bus or bus-type service for mental health center patients; and

(b) Community action agencies (or successor agencies) providing bus or bus-type service for a poverty or near-poverty area target population; and

(c) Other similar providers as identified by the *cabinet* [department].

(2) Reimbursement shall be based on a rate negotiated between the *cabinet* [department] and the non-commercial group carrier; however, such negotiated rate shall not exceed twelve (12) cents per recipient per mile transported.

Section 5. Specialty Individual Carriers: (1) "Specialty individual carrier" means a vendor who provides, through specially equipped vehicles, medical transportation for non-ambulatory recipients (those who are required to travel by wheelchair) or for ambulatory but disoriented recipients (those who are sufficiently disoriented as to time, place, persons or objects so as to be unable to travel to or from medical services unaccompanied or unsupervised), and who provides services not normally available from other transportation vendors. The equipment ordinarily required would be a van or similar type vehicle with a lift for wheelchairs; and the service would be the accompaniment of the recipient from point of origin to point of destination where the recipient is placed in the charge of the receiving individual, including physical assistance and/or guidance to the recipient when necessary. To be considered a specialty individual carrier for purposes of reimbursement from the *cabinet* [department], the carrier must be recognized by the *cabinet* [department] as a specialty individual carrier with approval given by the *cabinet* [department] for reimbursement at specialty individual carrier rates. The *cabinet* [department] may require the submission of documentation designed to show that the vendor is capable of providing specialty individual carrier service in an adequate and safe manner.

(2) Specialty individual carriers shall be reimbursed at the lesser of the following rates:

(a) The actual charge for the service; or

(b) The usual and customary charge for that service by the carrier, as shown in the schedule of usual and customary charges submitted by the carrier to the *cabinet* [department]; or

(c) The program maximum established for the service.

(3) Program maximums are:

(a) Non-ambulatory, wheelchair patients; for transportation within a distance of ten (10) miles or less, the upper limit is ten dollars (\$10) for the first patient plus five dollars (\$5) for each additional non-ambulatory patient transported on the same trip, for each time a patient is transported to or transported from the medical service site. To this base may be added *fifty* (50) [thirty-five (35)] cents per mile per patient for miles the patient(s) is transported above ten (10) (one (1) way), and toll charges actually incurred.

(b) Ambulatory, disoriented patients; for transportation within a distance of ten (10) miles or less, the upper limit is four dollars (\$4) per patient for each time a patient(s) is transported to or transported from the medical service site. To this base rate may be added *fifty* (50) [thirty-five (35)] cents per mile per patient for miles the patient is transported above ten (10) (one (1) way), and toll charges actually incurred.

(c) For both paragraphs (a) and (b), above, mileage

must be computed by the most direct accessible route from point of pickup to point of delivery, and reimbursement for mileage is allowed only for those miles the recipient is actually transported in excess of ten (10). Empty vehicle miles are not included when computing allowable reimbursement for mileage.

(4) Reimbursement is made at specialty individual carrier rates for the following types of recipients only:

(a) Non-ambulatory recipients who need to be transported by wheelchair, but not including recipients who need to be transported as a stretcher patient; and

(b) Ambulatory but disoriented recipients, defined as persons confused, especially with respect to time, place and identity of persons and/or objects. The extent of disorientation must be such as to preclude the recipient from safely utilizing, unaccompanied, alternate methods of transportation.

(5) The specialty carrier must obtain a statement from the recipient's physician (or, if the recipient is in a skilled nursing or intermediate care facility, from the director of nursing, charge nurse, or medical director in lieu of physician) to verify that transportation by the specialty carrier is medically necessary due to the recipient's non-ambulatory or disoriented condition. Claims for payment which are submitted without the required statement of verification will not be paid.

*Section 6. Specially authorized transportation services provided by ambulance services or specialty carriers, or as otherwise authorized in unforeseen circumstances, may be paid for at a rate adequate to secure the necessary service; this amount shall not exceed the usual and customary charge of the provider.*

*Section 7. Use of Flat Rates. When a recipient chooses to use a medical provider outside the medical service area (i.e., the medical service is available within the medical service area and the recipient has not been appropriately referred to a medical provider outside the medical service area), transportation payment shall not exceed the lesser of six dollars (\$6) per trip, one (1) way (or twelve dollars (\$12) for a round trip), or the usual fee for the transportation provider computed in the usual manner.*

Section 8. [6.] Limitations. Any reimbursement for medical transportation is contingent upon the recipient receiving the appropriate pre- or post-authorization for medical transportation as required by the *cabinet* [department].

JOHN CUBINE, Commissioner

ADOPTED: November 8, 1983

APPROVED: BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: December 6, 1983 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Insurance**  
**(Proposed Amendment)**

**904 KAR 2:006. Technical requirements; AFDC.**

RELATES TO: KRS 205.010, 205.200(2),(3)

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapter 205 to administer the assistance program of Aid to Families with Dependent Children, hereinafter referred to as AFDC, in accordance with Title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age, one (1) category of assistance, work registration, cooperation in child support activities and potential entitlement for other programs for eligibility for AFDC.

**Section 1. Residence and Citizenship.** Residence is determined in accordance with 45 CFR 233.40 which, in summary, provides that a resident is anyone who is living in the state, entered the state with a job commitment or seeking employment, and is not receiving AFDC benefits from another state. Citizenship is determined in accordance with 45 CFR 233.50 which states that AFDC can be provided only to citizens or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

**Section 2. Deprivation.** (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity of a natural or adoptive parent. A married child living with her/his spouse in the home of her/his parents is not deprived of parental support or care. A married child living in the home of her/his parents but divorced or legally separated from her/his spouse is deprived of parental support if she/he is dependent on the parent and a parent is dead, incapacitated or continually absent from the home.

(2) Continued absence from the home. To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his/her function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, *forced separation of seven (7) days or more*, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, deportation or single parent adoption. A parent who is a convicted offender but is permitted to live at home while serving a court-imposed sentence by performing unpaid public work or unpaid community service during the workday is considered absent from the home.

(3) Incapacity defined. Incapacity is any condition of mind or body which makes a parent physically or mentally

unable to provide the necessities of life for his/her needy child. The condition must be anticipated to continue for at least thirty (30) days beyond the date of application and may be presumed to continue during a period in which the parent is undergoing diagnostic studies and/or evaluation of rehabilitation potential. Incapacity of the parent must prevent him/her from working in an occupation in which he/she previously engaged, or another job for which he/she is equipped and which is accessible in the county or community where he/she normally resides. If a job opportunity exists in the community or county, it shall be considered accessible regardless of its immediate availability. Scarcity of work does not establish incapacity unless there is a causal relationship between the parent's unemployment and actual physical or mental disability. Lack of paid work experience does not preclude the parent from being considered incapacitated.

**Section 3. Living with a Specified Relative.** To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:

(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin.

(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.

(3) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.

(4) Husband or wife of any persons listed above even if the marriage may have terminated, providing termination occurred after the birth of the child.

(5) A child is considered as living in the home even when temporarily absent for medical care, attendance at boarding school, college or vocational school, emergency foster care or short visits with friends or relatives, if the parent continues to exercise control over the child.

**Section 4. Age and School Attendance.** A child may be eligible for AFDC from birth to age eighteen (18), or to age nineteen (19) if a full-time student in a secondary school or the equivalent level of vocational or technical training and if expected to complete the program prior to or during the month of their nineteenth birthday. Full and part-time is defined in 904 KAR 2:016, standards for need and amount; AFDC. A child is considered in regular attendance in months in which he/she is not attending because of official school or training program vacation, illness, convalescence or family emergency unless he/she has indicated an intention not to re-enter school.

**Section 5. One Category of Assistance.** A child or adult relative shall not be eligible for AFDC if receiving supplemental security income.

**Section 6. Strikers.** (1) A family shall be ineligible for benefits for any month in which the natural or adoptive parent, with whom the child is living is, on the last day of such month, participating in a strike; and

(2) No individual shall be considered eligible for benefits for any month if, on the last day of such month, such individual is participating in a strike.

(3) Strike shall be defined to include a strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining

agreement) and any concerted slowdown or other concerted interruption of operations by employees.

Section 7. Work Registration. (1) Unless exempt under the criteria specified in Title IV of the Social Security Act and 45 CFR Section 224.20(b), an individual who has applied for or is receiving AFDC shall be ineligible for benefits if he/she refuses to register for the Work Incentive Program, (WIN) or if registered, refuses to participate without good cause. Participation in a strike shall not constitute good cause.

(2) Individuals exempt from WIN registration pursuant to 45 CFR 224.20(b) are as follows:

- (a) An individual under age sixteen (16);
- (b) A child age sixteen (16) to age eighteen (18), if enrolled as a full-time student; or to age nineteen (19), if a full-time student who meets the requirements set forth in Section 4 of this regulation;
- (c) An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days;
- (d) An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days;
- (e) An individual age sixty-five (65) or over;
- (f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible;
- (g) A parent or other relative who cares for a child under six (6), and who personally provides full-time care of the child with only very brief and infrequent absences from the child;
- (h) A person so far remote from a work incentive project that his/her effective participation is precluded;
- (i) An individual who is employed not less than thirty (30) hours per week, in unsubsidized employment expected to last a minimum of thirty (30) days, except when there is a temporary break in such employment expected to last longer than ten (10) days.

Section 8. Cooperation in Child Support Activities. (1) Inclusion of a specified relative in the AFDC budget is dependent upon his/her cooperation in child support activities pursuant to 45 CFR 232.12 and refusal, except for "good cause," results in ineligibility of the relative with AFDC payments on behalf of the child(ren) made to a protective payee.

(2) If, after exclusion from the grant for failure to cooperate, the individual states that he/she is willing to cooperate and wishes to be reinstated, a supplemental application must be completed. If eligibility criteria are met, the individual will be added to the grant effective with the month of application and the protective payee will be removed.

(3) Pursuant to 45 CFR Part 232.40, the Cabinet for Human Resources will provide written notice to the applicant or recipient that he/she may claim good cause for refusing to cooperate.

(4) The applicant or recipient will be determined to have "good cause" for failing to cooperate only when one (1) or more of the following criteria is met:

- (a) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the child; or

harm of a serious nature to himself/herself to such an extent that it would reduce his/her capacity to care for the child(ren) adequately; or

(c) The child was conceived as a result of incest or forcible rape and the department believes it would be detrimental to the child to require the applicants's/recipient's cooperation; or

(d) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction; and the department believes it would be detrimental to the child to require the applicant's/recipient's cooperation; or

(e) The applicant/recipient is being assisted by a public or licensed private social agency to resolve whether to keep the child or release him/her for adoption and discussion has not gone on for more than three (3) months and the cabinet believes it would be detrimental to the child to require the applicant's/recipient's cooperation.

(5) Specific requirements in determining the existence of good cause and the time limits for providing substantiation of claims are made pursuant to the regulation at 45 CFR 232.42 and 45 CFR 232.43.

Section 9. Potential Entitlement for Other Programs. All applicants/recipients must apply for any statutory benefit(s) if potential entitlement exists. Failure to apply results in ineligibility for AFDC.

Section 10. Furnishing of Social Security Account Numbers. All applicants/recipients must furnish social security account numbers pursuant to 45 CFR 232.10.

Section 11. Assignment of Rights to Support. Pursuant to KRS 205.720, by accepting assistance for or on behalf of a child, a recipient is deemed to have made an assignment to the Cabinet for Human Resources of any child support owed for the child not to exceed the amount of AFDC payments made to the recipient.

Section 12. Photo-Identification Card. [Effective August 1, 1983,] The payee for a person or persons determined to be eligible for AFDC shall be subject to the photo-identification card requirement. All payees for AFDC benefits shall be photographed and issued a photo-identification card which *may* [shall] be used as identification in cashing an AFDC check. All payees shall pose for their photo-identification cards, except that:

(1) Invalids, or other individuals, including the homebound, not able to pose for a photo-identification card because of physical or mental handicaps under criteria established by the cabinet, shall receive a suitable card to meet the requirement stated herein.

(2) Any religious belief, as stated by a member of the clergy of a person's established religion and verified through direct contact with such, which prohibits the photographing of an individual member, exempts that person from this requirement, and that person shall receive a suitable card to meet the requirement stated herein.

(3) A payee may be provided the opportunity to demonstrate good cause for not being photographed. If good cause is established, the provision set forth in [subsection (2) of] this section pertaining to issuance of a *suitable* [photo-identification] card will be followed.

(b) The applicant or recipient's cooperation is reasonably anticipated to result in physical or emotional

*Section 13. Provisions of this regulation shall be effective January 1, 1984.*

JOHN CUBINE, Commissioner

ADOPTED: December 15, 1983

APPROVED: E. AUSTIN, JR., Secretary

RECEIVED BY LRC: December 15, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, CHR Building, 275  
East Main Street, Frankfort, Kentucky 40621.

**CABINET FOR HUMAN RESOURCES**  
**Department for Social Insurance**  
**(Proposed Amendment)**

**904 KAR 2:016. Standards for need and amount, AFDC.**

RELATES TO: KRS 205.200(2), 205.210(1)

PURSUANT TO: KRS 13.082, 205.200(2)

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families with Dependent Children Program, hereinafter referred to as AFDC, in accordance with federal regulations and Title IV-A of the Social Security Act. This regulation sets forth the standards by which the need for and the amount of an AFDC assistance payment is established.

Section 1. Definitions. (1) "Assistance group" is composed of one (1) or more children and may include as specified relative any person specified in 904 KAR 2:006, Section 3. The incapacitated natural or adoptive parent of the child(ren) who is living in the home and legally married to the specified relative may be included as second parent if the technical eligibility factors are met. The decision regarding application for or continued inclusion of an individual child rests with the parent or other specified relative.

(2) "Full-time employment" means employment of thirty (30) hours per week or 130 hours per month or more.

(3) "Part-time employment" means employment of less than thirty (30) hours per week or 130 hours per month or not employed throughout the entire month.

(4) "Full-time school attendance" means a workload of at least:

(a) Twenty-five (25) clock hours per week in a General Educational Development (GED) program; or

(b) Twelve (12) semester hours or more in a college or university; or

(c) The number of hours required by the individual high school/vocational school to fulfill their definition of full time.

(5) "Part-time school attendance" means a workload of anything less than "full-time school attendance."

(6) "Gross income limitation standard" means 150 percent of the sum of the assistance standard, as set forth in Section 8, and any educational allowance as set forth in Section 9.

(7) "Prospective budgeting" means computing the amount of assistance based on income and circumstances

which will exist in the month(s) for which payment is made.

(8) "Recoupment" means recovery of overpayments of assistance.

(9) "Retrospective budgeting" means computing amount of assistance based on actual income and circumstances which existed in the second month prior to the payment month.

Section 2. Resource Limitations. The amount of real and personal property that can be reserved by each assistance unit shall not be in excess of \$1,000 equity value excluding those items specifically listed in subsection (1) as follows:

(1) Excluded resources. The following resources shall be excluded from consideration:

(a) One (1) owner-occupied home;

(b) Home furnishings, including all appliances;

(c) Clothing;

(d) One (1) motor vehicle, not to exceed \$1,500 equity value;

(e) Farm machinery, livestock or other inventory, and tools and equipment other than farm, used in a self-employment enterprise; and

(f) Items valued at less than fifty dollars (\$50) each.

(2) Disposition of resources. An applicant/recipient or the spouse living with any applicant or recipient must not have transferred or otherwise divested himself/herself of property without fair compensation in order to qualify for assistance. If the transfer was made expressly for the purpose of qualifying for assistance and if the uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limitation, the household's application shall be [is] denied or assistance discontinued. The time period of ineligibility shall be based on the resulting amount of excess resources [transferred property] and begins with the month of transfer. If the amount of excess transferred resources [property] does not exceed \$500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every \$500 increment up to a maximum of twenty-four (24) months.

Section 3. Income Limitations. In determining eligibility for AFDC the following will apply:

(1) Gross income test. The total gross non-AFDC income of the assistance group, as well as income of natural parent(s), and/or stepparent(s) living in the home, and/or amount deemed available from an alien's sponsor and sponsor's spouse if living with the sponsor, shall not exceed the gross income limitation standard. Disregards specified in Section 4, subsection (1), shall apply. If total gross income exceeds the gross income limitation standard, the assistance group is ineligible.

(2) Applicant eligibility test. If the gross income is below the gross income limitation standard and the applicant has not received assistance during the four (4) months prior to the month of application, the applicant eligibility test shall be applied. The total gross income after application of exclusions/disregards set forth in Section 4, subsections (1) and (2), shall be compared to the assistance standard set forth in Section 8. If income exceeds this standard, the assistance group is ineligible. For assistance groups who meet the gross income test but who have received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation. If the assistance group meets the

criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by applying disregards in Section 4, subsections (1), (2), and (3). If the assistance group's income, after application of appropriate disregards, exceeds the assistance standard, the assistance group is ineligible. Amount of assistance for the initial two (2) months of eligibility shall be determined prospectively in accordance with 45 CFR 233.34 and for subsequent months retrospectively, in accordance with 45 CFR 233.35.

(4) A period of ineligibility shall be established in accordance with 45 CFR 233.20(a)(3)(ii)(D), for applicants/recipients whose income in the month of application or during any month for which assistance is paid exceeds the limits set forth in subsections (2) or (3) of this section due to receipt of lump sum income.

**Section 4. Excluded/Disregarded Income.** All gross non-AFDC income received or anticipated to be received in the month of application or redetermination by the assistance group, natural parent(s) and/or stepparent(s) living in the home, shall be considered with the applicable exclusions/disregards as set forth below:

(1) Gross income test. All incomes listed below shall be excluded/disregarded:

(a) Disregards applicable to stepparent income, as set forth in Section 5;

(b) Disregards applicable to alien sponsor's income, as set forth in Section 6;

(c) Disregards applicable to self-employment income, as set forth in 45 CFR 233.20(a)(6)(v) and 45 CFR 233.20(a)(11)(i)(b)(1)(i);

(d) Work Incentive Program (WIN) and Comprehensive Employment and Training Act Program (CETA) incentive payments;

(e) *Earnings received by a dependent child from participation in the Summer Youth Program under the Job Training Partnership Act (JTPA);*

(f) *Unearned income received by a dependent child from participation in a JTPA program;*

(g) [(e)] Reimbursement for WIN training-related expenses made by a manpower agency to applicants or recipients in institutional and work experience training;

(h) [(f)] Value of food coupons;

(i) [(g)] Non-emergency medical transportation payments;

(j) [(h)] Principal of loans;

(k) [(i)] Educational grants, loans, scholarships, including payments for actual educational costs made under the GI Bill, obtained and used under conditions that preclude their use for current living costs and all education grants and loans administered by the United States Commissioner of Education;

(l) [(j)] Highway relocation assistance;

(m) [(k)] Urban renewal assistance;

(n) [(l)] Federal disaster assistance and state disaster grants;

(o) [(m)] Home produce for household consumption;

(p) [(n)] Any Housing subsidies received from federal, state or local governments;

(q) [(o)] Receipts distributed to members of certain Indian tribes which are referred to in Section 5 of Public Law 94-114 that became effective October 17, 1975;

(r) [(p)] Any Funds distributed per capita to or held in trust for members of any Indian tribe under Public Law 92-254, Public Law 93-134 or Public Law 94-540;

(s) [(q)] Any Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended;

(t) [(r)] Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of Public Law 93-113;

(u) [(s)] Payments to volunteers under Title I of Public Law 93-113 pursuant to Section 404(g) of Public Law 93-113;

(v) [(t)] The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

(w) [(u)] Any Payments from the Cabinet for Human Resources, Department for Social Services, for child foster care, adult foster care, or subsidized adoption; and

(x) [(v)] Energy assistance payments which are permitted to be excluded pursuant to 45 CFR 233.53(c)(5)(i).

[(w)] Earnings received by a person employed by CETA under the Youth Incentive Entitlement Pilot Projects (YIEPP), the Youth Community Conservation and Improvement Project (YCCIP), and the Youth Employment and Training Program (YETP).]

(2) Applicant eligibility test. The exclusions/disregards set forth in subsection (1) of this section and those listed below shall be applied:

(a) Earnings received from participation in the Job Corps Program under JTPA [CETA] by an AFDC child;

(b) Earnings of a child in full-time school attendance or earnings of a child in part-time school attendance, if not working full time;

(c) Standard work expense deduction of seventy-five dollars (\$75) for full-time employment. A forty dollar (\$40) deduction is allowed for part-time employment; and

(d) Child care, for a child(ren) or incapacitated adult living in the home and receiving AFDC, is allowed as a work expense is allowed not to exceed \$160 per month per individual for full-time employment or \$110 per month per individual for part-time employment.

(3) Benefit calculation. After eligibility is established, exclude/disregard all incomes listed in subsections (1) and (2), as well as:

(a) Child support payments assigned and actually forwarded or paid to the department; and

(b) First thirty dollars (\$30) and one-third ( $\frac{1}{3}$ ) of the remainder of each individual's earned income not already disregarded, if that individual's needs are considered in determining the benefit amount. This disregard shall not be applied to an individual after the fourth consecutive month it has been applied to his/her earned income unless he/she has not been a recipient for twelve (12) consecutive months in accordance with 45 CFR 233.20(a)(11)(ii)(B).

(4) Exceptions. Disregards from earnings in subsection (2)(c) and (d) and subsection (3)(b) shall not apply for any month in which the individual:

(a) Reduces, terminates, or refuses to accept employment within the period of thirty (30) days preceding such month, unless good cause exists as follows:

1. The individual is unable to engage in such employment or training for mental or physical reasons; or

2. The individual has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours per day; or

3. Working conditions at such job or training would be a risk to the individual's health or safety; or

4. A bona fide offer of employment at a minimum wage

customary for such work in the community was not made.

(b) Fails to make a timely report of earnings unless good cause exists as follows:

1. The assistance group moved and reported the move timely, however, the move resulted in a delay in receiving or failure to receive the mandatory monthly report form; or

2. An immediate family member living in the home was institutionalized or died during the filing period; or

3. The specified relative was out of town during the entire filing period; or

4. The assistance group has been directly affected by a natural disaster (i.e., fire, flood, storm, earthquake).

(c) Requests assistance be terminated for the primary purpose of evading the four (4) month limitation on the deduction in subsection (3)(b) of this section.

Section 5. Stepparent Income and Resources. (1) Income. The gross income of a stepparent living in the home is considered available to the assistance group, subject to the following exclusions/disregards:

(a) The first seventy-five dollars (\$75) of the gross earned income of the stepparent who is employed full time or the first forty dollars (\$40) of the gross earned income of the stepparent who is employed part time;

(b) An amount equal to the AFDC assistance standard for the appropriate family size, for the support of the stepparent and any other individuals living in the home but whose needs are not taken into consideration in the AFDC eligibility determination and are or could be claimed by the stepparent as dependents for purposes of determining his/her federal personal income tax liability;

(c) Any amount actually paid by the stepparent to individuals not living in the home who are or could be claimed by him/her as dependents for purposes of determining his/her personal income tax liability;

(d) Payments by the stepparent for alimony or child support with respect to individuals not living in the household; and

(e) Income of a stepparent receiving Supplemental Security Income under Title XVI.

(2) Resources. Resources which are available to the stepparent are deemed available to the natural parent and considered in determining eligibility of the natural parent for inclusion in the assistance group. Resources of a stepparent receiving SSI under Title XVI shall not be considered.

Section 6. Alien Income and Resources. The gross non-AFDC income and resources of an alien's sponsor and sponsor's spouse (if living with the sponsor) *hereinafter referred to as sponsor* shall be deemed available to the alien(s), subject to disregards as set forth below, for a period of three (3) years following entry into the United States. If an individual is sponsoring two (2) or more aliens, the income and resources shall be prorated among the sponsored aliens. A sponsored alien is ineligible for any month in which adequate information on the sponsor/sponsor's spouse is not provided. The provisions of this section shall not apply to those aliens identified in 45 CFR 233.51(e).

(1) Income. The gross income of the sponsor [and spouse] is considered available to the assistance group subject to the following disregards:

(a) Twenty percent (20%) of the total monthly gross earned income, not to exceed \$175;

(b) An amount equal to the AFDC assistance standard for the appropriate family size of the sponsor and other persons living in the household who are or could be claim-

ed by the sponsor as dependents in determining his/her federal personal income tax liability, and whose needs are not considered in making a determination of eligibility for AFDC;

(c) Amounts paid by the sponsor to non-household members who are or could be claimed as dependents in determining his/her federal personal income tax liability; [and]

(d) Actual payments of alimony or child support paid to non-household members; and

(e) *Income of a sponsor receiving SSI or AFDC.*

(2) Resources. Resources deemed available to the alien(s) shall be the total amount of the resources of the sponsor and sponsor's spouse determined as if he/she were an AFDC applicant in this state, less \$1,500.

Section 7. Earned Income Tax Credit. In the case of an applicant or recipient of AFDC, earned income shall include the amount of advance payments of the earned income credit for which he/she is eligible determined in accordance with 45 CFR 233.20(a)(6)(ix).

Section 8. Assistance Standard. The AFDC assistance standard, including amounts for food, clothing, shelter, utilities and non-medical transportation from which countable income is deducted in determining eligibility for and the amount of the AFDC assistance payment, is as follows:

Number of Eligible Persons	Monthly Standard
1 Child	\$133
2 Persons	\$162
3 Persons	\$188
4 Persons	\$235
5 Persons	\$275
6 Persons	\$310
7 or more Persons	\$345

Section 9. Educational Allowance. [Effective August 1, 1982, with initial payments beginning October, 1982,] An educational allowance shall be included in the assistance standard each month at the request of the caretaker relative, if the criteria in subsection (1) of this section are met and verified for said month(s) *and funds are available. Households receiving the educational allowance shall be subject to time frames, procedures, and penalties established for households required to report monthly.*

(1) Technical requirements. The following requirements must be met during any month for which an education allowance is paid.

(a) The caretaker relative must be included in the assistance grant;

(b) The caretaker relative must be enrolled full-time, as defined in Section 1, in high school (*including primary and secondary*), vocational school, or a General Educational Development (GED) program for which no wage or *child care* allowance is received. If attending college, the caretaker relative must be enrolled either full or part-time, as defined in Section 1;

(c) A cost must have been incurred for the care of a child(ren) who is/are under the age of thirteen (13) or a child(ren) who is/are under the age of eighteen (18), if a physician determines said child is unable to attend school due to a physical or mental disability, and is/are included in the assistance grant; and

(d) The payment for child care is made to a provider

who is not a household member.

(2) Educational allowance payment standards. The amount of monthly educational allowance payment shall be based on the number of eligible children for whom care is being provided and whether or not enrollment is full or part-time. The payment standards are as follows:

Number of Children	Full-time Enrollment	Part-time Enrollment
1	\$120	\$70
2 or more	\$150	\$90

(3) Limitations. The number of months an educational allowance payment is made shall be limited according to the type of program in which the student enrolls and shall not be provided beyond completion of one (1) program at each level.

(a) High school level.

1. A student may change programs within this level, however, the cumulative number of months payment is made shall not exceed the maximum for the program in which the student last enrolls as follows:

Type of Program	Maximums
General Educational Development (GED)	12 months
High School ( <i>includes Primary and Secondary</i> )	24 months

2. A student wishing to continue his/her education past the high school level may be eligible for additional payments not to exceed the maximums for the post-high school level.

(b) Post-high school level. A student may change programs within this level, however, the cumulative number of months payment is made shall not exceed the maximum for the program in which the student last enrolls as follows:

Type of Program	Maximums
Vocational School	24 months
College/University	50 months

Section 10. Recoupment. The following provisions are effective for all overpayments discovered on or after April 1, 1982, regardless of when the overpayment occurred.

(1) Necessary action will be taken promptly to correct and recoup any overpayments.

(2) Overpayments shall be recovered from the responsible person(s) in the AFDC case which was overpaid in the respective orders as follows:

(a) Active case.

1. Specified relative;
2. Second parent, if appropriate; or
3. Payee, other than protective payee.

(b) Inactive case.

1. Most recent specified relative;
2. Most recent second parent, if appropriate; or
3. Most recent payee, other than protective payee.

(3) Overpayments shall be recovered through:

(a) Repayment by the individual to the cabinet; and/or

(b) Reduction of future AFDC benefits, which shall result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety percent (90%) of the amount of assistance paid to a like size family with no income in accordance with Section 8; and/or

(c) Civil action in the court of appropriate jurisdiction.

(4) In cases which have both an overpayment and an underpayment, the cabinet shall offset one against the other in correcting the payment to current recipients.

(5) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing is given and the administration and judicial remedies have been exhausted or abandoned in accordance with Title 904, Chapter 2.

JOHN CUBINE, Commissioner

ADOPTED: December 15, 1983

APPROVED: E. AUSTIN, JR., Secretary

RECEIVED BY LRC: December 15, 1983 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

### CABINET FOR HUMAN RESOURCES Department for Social Insurance (Proposed Amendment)

#### 904 KAR 2:050. Time and manner of payments.

RELATES TO: KRS 205.220(1)

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer money payment programs under Title IV-A of the Social Security Act and a state funded program of money payments to those aged, blind and disabled individuals disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. In addition KRS 205.245 provides for money payments to certain other aged, blind or disabled individuals. This regulation sets forth the time and the manner in which payments are made and the persons to whom payments may be made as required by KRS 205.220(1).

Section 1. Manner and Time of Payment: (1) All assistance payments are made by check issued monthly.

(2) The effective date of initial payment for Aid to Families with Dependent Children (AFDC) approvals shall be the date an application is filed if all eligibility factors were met as of that date. The effective date for State Supplementation Payments (SSP) approvals shall be the first day of the month in which an application is filed if all eligibility factors were met as of that month (i.e., on or after the date of application).

(3) Payment for both AFDC and SSP is made for an entire month during any part of which eligibility factors are met, except for the initial month's benefits for AFDC approvals which shall not be made for any period prior to the date of application.

(4) For AFDC, payments shall not be made to an individual for any month in which the amount of the benefit payment, prior to any recoupment, would be less than ten dollars (\$10). Any individual who is denied a payment for this reason shall be deemed a recipient of AFDC for all other purposes.

(5) Supplemental payments shall be made if, due to administrative deadlines, changes in circumstances cannot be recognized in the month such change is reported; or, for AFDC, cannot be recognized in the time frames required in retrospective budgeting.

(6) For SSP, supplemental payments to correct underpayments due to administrative errors shall be made for a period of up to twelve (12) months preceding the month of error correction if the error existed in the preceding months.

**Section 2. Inalienability of Payment:** Money payments are unconditional and are exempt from any remedy for the collection of debts, liens and encumbrances; however, the cabinet may initiate recoupment to recover overpayment of AFDC benefits.

**Section 3. Eligible Payees:** Money payments are issued in the name of the eligible applicant, except that:

(1) In the Aid to Families with Dependent Children Program, a protective payment may be made to a third party payee when:

(a) A determination has been made that poor money management is contributing to the unsuitability of the home for a needy child; or

(b) The [parent] payee has refused without good cause to

participate in the Work Incentive Program or the Child Support Program or, *effective January 1, 1984, comply with the photo-identification requirement.*

(2) In the State Supplementation Payments Program, the payee may in appropriate circumstances be:

(a) The legally appointed committee or guardian; or

(b) For individuals receiving other statutory benefits (such as SSI), the same as the representative payee for that benefit program.

(3) Payment for the month of death may be made to the parent or other specified relative of the deceased child, or the duly appointed administrator of the estate or other qualified executor of the will of the deceased.

JOHN CUBINE, Commissioner

ADOPTED: December 2, 1983

APPROVED:

BUDDY H. ADAMS, Secretary

RECEIVED BY LRC: December 6, 1983 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, CHR Building, 275 East Main Street, Frankfort, Kentucky 40621.

## Proposed Regulations

### DEPARTMENT OF LAW Division of Consumer Protection

#### 40 KAR 2:010. Recreational and retirement use land, disclosure of costs.

RELATES TO: KRS 367.472, 367.480

PURSUANT TO: KRS 13.082, 367.480

**NECESSITY AND FUNCTION:** This regulation is necessitated by KRS 367.480, which requires the Attorney General to promulgate rules and regulations which will ensure an adequate disclosure to the purchaser of recreational and retirement use land the probable costs of any necessary maintenance of improvements of such land which may accrue in the future.

**Section 1. Disclosures.** Any subdivider of recreation and retirement use land as defined by KRS 367.472 shall give a full and complete disclosure to the purchaser of a lot, parcel, unit or other interest thereof of any probable cost of any necessary maintenance of improvements of said land which may accrue in the future. Said disclosure must be made both orally and in writing at least ten (10) days prior to the signing of a contract or agreement to purchase. Any purchaser receiving such disclosure shall, at least two (2) days prior to the signing of a contract or agreement to purchase, be made aware of any material changes in the disclosure which could reasonably affect their decision to purchase. Notice of such changes in the probable cost of any necessary maintenance of improvements shall be made through an amended written and oral disclosure. In the event an amended written disclosure has not yet been prepared, an oral disclosure will be deemed sufficient. Said disclosure shall include but is not limited to:

(1) The probable costs for each of the following:

(a) Maintenance of improvements;

(b) The cost of taxes for the property as of the date the contract or agreement to purchase is signed, as well as any tax increases that will occur or which there is reasonable cause to believe could occur within the next five (5) years;

(c) The cost of any assessments to the property at the time the contract or agreement to purchase is signed, as well as a reasonable projection of increases in such assessments which could occur within the next five (5) years;

(d) Cost of repairs and other improvements.

(2) Whether any maintenance of improvements costs, taxes, assessments, repair or other improvement costs are being assumed or borne by the subdivider at the time the solicitation for sale is made and, if so, the amount assumed by the subdivider for each such item, the date the subdivider will no longer assume or bear said costs, and those who will assume or bear such costs once the subdivider is no longer liable.

(3) Whether any person or persons, as defined by KRS 367.472(3), other than the subdivider, assumes or bears any maintenance costs, taxes, assessments, repair or improvement costs at the time the solicitation for sale is made and, if so, the amount assumed by this person or persons for each such item, the date this person or persons will no longer assume or bear such costs, and those who will assume or bear such costs once this person or persons is no longer liable.

(4) Whether membership in an organization or association of property owners is required and whether the cost of said association is borne in whole or in part by the subdivider or the purchaser. If such costs are borne in whole or in part by the subdivider, the subdivider must disclose:

(a) The amount of costs being borne by the subdivider and the amount being borne by the purchaser;

(b) The amount of cost to the purchaser when the subdivider stops bearing the cost;

(c) The date on which the subdivider will stop bearing the costs;

(d) The number of property owners and/or association members upon which this cost figure is based.

(5) Any projection of cost that has been made or can reasonably be made for future repairs or improvements to the property within the next five (5) years which will be paid directly or indirectly by the purchaser.

(6) Whether future development and/or construction is anticipated by the subdivider and whether said development and/or construction can reasonably be expected to result directly or indirectly in added costs for maintenance of improvements, taxes, assessments, repairs or other improvements to a property owner. If additional costs are anticipated, the subdivider must disclose:

(a) Whether these costs will be borne in whole or in part by the subdivider;

(b) The amount of costs being borne by the subdivider;

(c) The date on which the subdivider will stop bearing the cost;

(d) The amount of the costs to the purchaser for the next five (5) years;

(e) The number of property owners upon which this cost figure is based.

(7) Any other costs or fees assessed directly or indirectly to the purchaser for maintaining the property that can be reasonably anticipated by the subdivider for the next five (5) years.

Section 2. The subdivider shall file with the Office of the Attorney General, Division of Consumer Protection, a copy of the written disclosures required by Section 1 of this regulation. The subdivider is required to keep current the information on which the disclosures required by Section 1 of this regulation are based and shall immediately notify the division of any material changes in the information contained in the disclosures and shall make appropriate amendment of the written and oral disclosure statements.

Section 3. Penalties. Any person who fails to make the oral and written disclosures required by Section 1 of this regulation shall be subject to prosecution pursuant to KRS 367.484.

STEVEN L. BESHEAR, Attorney General

ADOPTED: December 12, 1983

RECEIVED BY LRC: December 12, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Barbara J. Bryant, Assistant Attorney General, Consumer Protection Division, Office of Attorney General, 209 St. Clair Street, Frankfort, Kentucky 40601.

#### FINANCE AND ADMINISTRATION CABINET State Investment Commission

200 KAR 14:070. Savings and loan prioritization.

RELATES TO: KRS Chapter 42

PURSUANT TO: KRS 13.082, 42.520

NECESSITY AND FUNCTION: KRS 42.520 requires the State Investment Commission to assign priority to public depositories on the basis of compliance with regulations promulgated pursuant to KRS Chapter 13.

Section 1. Definitions. For purposes of this regulation: (1) "Commission" means the State Investment Commission; and

(2) "DIDM" means the Division of Investment and Debt Management.

Section 2. General. The purpose of this regulation is to provide a standard procedure by which the commission will assign priorities to public depositories to receive time deposits, as required by KRS 42.520. Priority must be bas-

ed on depositories' demonstrated effectiveness in serving the convenience and economic development need of the communities in which they are chartered to do business. This regulation does not affect the process by which bank transaction services are contracted. KRS 45A.475 provides that those services are to be selected on the basis of competitive bidding, as regulated by the Kentucky Model Procurement Code.

Section 3. Source of Data. (1) The commission shall advise eligible savings and loan associations, those chartered in Kentucky or by the United States with their main office in Kentucky, that desire to be considered as a depository for state certificates of deposit, the depository must submit a copy of its semi-annual financial report, including all accompanying schedules, to the commission. The reporting deadline is sixty (60) days after the conclusion of the reporting period. A photostatic copy of this report and schedules, as prepared for the Federal Home Loan Bank Board, will be sufficient to meet this reporting requirement.

(2) The DIDM shall report the results of the scoring, based on the publicly available data, to the commission at the end of each semi-annual reporting period.

Section 4. Application of Methodology. The formula of the methodology is hereby incorporated by reference (adopted April 26, 1983). Copies may be obtained by contacting:

James R. Ramsey, Director  
Division of Investment and Debt Management  
Finance and Administration Cabinet  
Room 201, Capitol Annex  
Frankfort, KY 40601

Section 5. Frequency of Scoring. The DIDM shall update the scoring of potential depositories semi-annually and submit the same to the commission semi-annually. Any depository not submitting its report and schedules in a timely manner will not be considered eligible for the receipt of new funds or renewal of existing instruments until the most current report and schedules are submitted by the depository and accepted by the commission. The scoring shall be calculated as a moving average.

Section 6. Appeal Process. Any savings and loan association shall have the opportunity to appeal the results of the prioritization process to the State Investment Commission.

JAMES R. RAMSEY

ADOPTED: November 7, 1983

APPROVED:

ROBERT L. WARREN, Secretary

RECEIVED BY LRC: November 21, 1983 at 8 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: James R. Ramsey, Director, Division of Investment and Debt Management, Finance and Administration Cabinet, Room 201, Capitol Annex, Frankfort, Kentucky 40601.

**FINANCE AND ADMINISTRATION CABINET**  
**Board of Pharmacy**

**201 KAR 2:180. Pharmacy sanitation.**

RELATES TO: KRS Chapter 315

PURSUANT TO: KRS 13.082, 315.035(6), 315.191(1),(5)

**NECESSITY AND FUNCTION:** There is no existing uniform regulation for which the Kentucky Board of Pharmacy can monitor a pharmacy for cleanliness. Existing regulations pertain only to food handling facilities. The purpose of this regulation is to provide the board with the authority to require standards for compliance.

Section 1. The designated pharmacy area(s) shall be used exclusively for the compounding and dispensing of drugs and other usual procedures incidental to compounding and dispensing of drugs.

Section 2. No compounding or dispensing of drugs shall be carried on in any room used as a dwelling or for usual household purposes.

Section 3. Hot and cold water shall be readily accessible. Adequate facilities, separate and distinct from toilets and washrooms, shall be provided for maintaining clean and sanitary conditions.

Section 4. All equipment used in the storage, compounding, and dispensing of drugs or medicines shall be kept in a clean and sanitary manner.

Section 5. Floors and ceilings shall be tight and kept free from cobwebs and dust. The general area shall be maintained in a clean and sanitary condition, adequately lighted and ventilated.

Section 6. Proper temperatures shall be maintained for compounding and dispensing of drugs and medicines. Controlled room temperatures shall be fifteen (15) to thirty (30) degrees Centigrade, fifty-nine (59) to eighty-six (86) degrees Fahrenheit. Refrigeration temperatures shall be two (2) to eight (8) degrees Centigrade, thirty-six (36) to forty-six (46) degrees Fahrenheit. Freezer temperatures shall be minus twenty (-20) to minus ten (-10) degrees Centigrade, minus four (-4) to fourteen (14) degrees Fahrenheit. Under nonspecific conditions, it is to be understood that the storage conditions include protection from moisture, freezing, and excessive heat.

Section 7. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

JOHN H. VOIGE, Executive Director

ADOPTED: December 7, 1983

RECEIVED BY LRC: December 14, 1983 at 12 noon.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Executive Director, Kentucky Board of Pharmacy,  
 1228 U.S. 127 South, Frankfort, Kentucky 40601.

**FINANCE AND ADMINISTRATION CABINET**  
**Board of Pharmacy**

**201 KAR 2:185. Prescription drug refills.**

RELATES TO: KRS Chapters 217 and 315

PURSUANT TO: KRS 13.082, 217.215, 315.010(4), (5), (7), 315.191(1), (5)

**NECESSITY AND FUNCTION:** The Board of Pharmacy is authorized by KRS 315.191(1) to adopt rules and regulations necessary to regulate the practice of pharmacists. This regulation defines the responsibilities of pharmacists and practitioners as to prescription drug refills.

Section 1. No pharmacist shall refill a prescription for a drug bearing a "Federal Caution Legend" unless authorized by the prescribing practitioner. The pharmacist shall record all such refills by writing the date of the refill together with his name or initials on the original prescription. When an alternate approved automated data processing system is used, refills and records shall be maintained in compliance with 201 KAR 2:170.

Section 2. The use of the terms "prn" and "ad lib" in relation to authorization for refilling prescriptions shall mean the prescription may be refilled for a maximum period of six (6) months. To continue the medication the prescribing practitioner must issue a new prescription.

Section 3. Unless specific time limitations are set by the prescribing practitioner, no prescriptions may be refilled beyond six (6) months from the date of issuance. When the authorized refills are expressed solely as a number, the prescription may be refilled for the authorized limit of refills within six (6) months unless the pharmacist determines that the prescribed dosage regimen indicates a terms of continued therapy beyond six (6) months.

Section 4. This regulation does not govern prescription drugs that are classified as controlled substances. The refill of controlled substances is governed by KRS 218A.180.

Section 5. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

Section 6. 902 KAR 55:050, Prescription drug refills, is hereby repealed.

JOHN H. VOIGE, Executive Director

ADOPTED: December 7, 1983

RECEIVED BY LRC: December 14, 1983 at 12 noon.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Executive Director, Kentucky Board of Pharmacy,  
 1228 U.S. 127 South, Frankfort, Kentucky 40601.

**FINANCE AND ADMINISTRATION CABINET**  
**Board of Pharmacy**

**201 KAR 2:190.** Return of prescription drugs prohibited.

RELATES TO: KRS Chapters 217 and 315

PURSUANT TO: KRS 13.082, 315.010(5), 315.191(1), (5)

NECESSITY AND FUNCTION: To prevent the dispensing of drugs that have been adulterated, contaminated or misbranded.

Section 1. No pharmacy, pharmacist, or agent thereof shall accept for reuse or resale a prescription drug. Provided, however, that this regulation shall not apply to unopened unit dose, unit of use or tamper resistant drug packaging.

Section 2. Violation of any provision of this regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

Section 6. 902 KAR 55:055, Return of prescription drugs prohibited, is hereby repealed.

JOHN H. VOIGE, Executive Director

ADOPTED: December 7, 1983

RECEIVED BY LRC: December 14, 1983 at 12 noon.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Executive Director, Kentucky Board of Pharmacy,  
 1228 U.S. 127 South, Frankfort, Kentucky 40601.

**EDUCATION AND HUMANITIES CABINET**  
**Department of Education**  
**Bureau of Administration and Finance**

**702 KAR 2:110.** State Plan of Operation for Surplus Property.

RELATES TO: KRS 156.010, 156.022, 156.035

PURSUANT TO: 13.082, 156.022, 156.070

NECESSITY AND FUNCTION: KRS 156.010 gives the Department of Education authority to develop state plans required by federal laws and regulations as prerequisites to receiving federal funds; KRS 156.022 designates the Division of Surplus Property in the Department of Education as authorized to receive, warehouse, and distribute federal surplus property and requires the State Board of Education to approve rules and regulations necessary for compliance with minimum statutory and regulatory requirements regarding federal surplus property; and KRS 156.035 gives the State Board authority, for the benefit of programs under its control, to implement the provisions of any act of Congress appropriating and apportioning funds to the state and to provide for the proper disbursement of such funds and any gifts or donations. This regulation is necessary in order to put in place a permanent state plan for administration of federal surplus property statutes, such a plan being required by federal law to be legislatively developed, in accordance with state law.

Section 1. The Permanent State Plan of Operation for the Division of Surplus Property, Department of Education, November 15, 1983, is hereby adopted and incorporated herein by reference. Copies of this document

may be obtained from the Division of Surplus Property, Department of Education.

RAYMOND BARBER  
 Superintendent of Public Instruction

ADOPTED: November 15, 1983

RECEIVED BY LRC: December 12, 1983 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: L. W. True, Secretary, State Board of Education,  
 17th Floor, Capital Plaza Tower, Frankfort, Kentucky  
 40601.

**EDUCATION AND HUMANITIES CABINET**  
**Department for the Blind**

**706 KAR 2:010.** Federal Vocational Rehabilitation Program.

RELATES TO: KRS 163.450 to 163.470

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 163.450 to 163.470 designates the Department for the Blind to be responsible for all rehabilitation services for citizens of the Commonwealth of Kentucky who are blind and visually impaired. These regulations adopt federal rules governing the services, personnel, and administration of the Department for the Blind required as a condition for the agency to receive federal funds and to administer federal vocational rehabilitation programs. P.L. 93-112, as amended, requires the submission of a Three-Year State Plan for Vocational Rehabilitation Services to the Secretary of the United States Department of Education, and P.L. 93-516, as amended, requires the submission to the Commissioner of Rehabilitation Services, Department of Education, an application for designation as state licensing agency to administer the Randolph-Sheppard Vending Facility Program.

Section 1. Pursuant to the authority vested by KRS 163.450 to 163.470, the Kentucky State Plan for Vocational Rehabilitation Services for the Blind and Visually Impaired, as amended, for the period October 1, 1982, through September 30, 1985, effective October 1, 1983, is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said plan may be obtained from the Department for the Blind, Education and Humanities Cabinet.

Section 2. Pursuant to the authority vested by KRS 163.450 to 163.470, the Kentucky Application for Designation for the Randolph-Sheppard Vending Facility Program, effective November 15, 1979, is presented herewith for filing with the Legislative Research Commission and incorporated by reference. A copy of said plan may be obtained from the Department for the Blind, Education and Humanities Cabinet.

RAYMOND BARBER  
 Superintendent of Public Instruction

ADOPTED: December 12, 1983

RECEIVED BY LRC: December 12, 1983 at 12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Charles W. McDowell, Executive Director, Kentucky  
 Department for the Blind, State Office Building Annex,  
 P.O. Box 758, Frankfort, Kentucky 40602.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

## Minutes of the November 29-30, 1983 Meeting

(Subject to subcommittee approval at the December 20-21 meeting.)

The Administrative Regulation Review Subcommittee held its monthly meeting on Tuesday, November 29 at 10:00 a.m., and on Wednesday, November 30, at 10 a.m. in Room 103 of the Capitol Annex. Present were:

**Members:** Representative William T. Brinkley, Chairman; Senators Pat McCuiston, Bill Quinlan and Joe Lane Travis; Representatives Albert Robinson, Greg Stumbo and Jim Bruce.

**Guests:** Representative Gerta Bendl; Jim Ahler, Board of Accountancy; R. Thomas Carter and Bill Schmidt, Board of Medical Licensure; Addie Stokely and Ilse Dickerson, Crime Victims Comp. Board; Margaret Frederick, Margaret Hockensmith and Ked Fitzpatrick, Cabinet for Human Resources; Sara Bell, Commerce Cabinet; Sidney Simandle, Virginia Pratt, Ron Moubay, Fred Schultz, Polly Ball, and Gary Bale, Department of Education; Don McCormick, Department of Fish and Wildlife Resources; Charles Wickliffe, Finance and Administration Cabinet; Tom Edwards and Mike Salyers, Department of Labor; Keene Dainerfield and Jim Navolio, Kentucky State Racing Commission; Abbie Meyer, Kim Sanders, Mark Caines, Gordon Goad, Alex Barber, Pat Haight and Ken Hahn, Natural Resources and Environmental Protection Cabinet; Andrew Cammack, Environmental Quality Commission; H. R. Deutsch and N. A. Thomas, Dupont; Dorothy Meyer, Advocate Office; Dean Maynard, Charles Dibouski, Jefferson County Office for Aging; Priscilla Rao, Pat Rupp and Irving Lipetz, Kentucky Association for Older Persons; Denis Fleming, Kentucky Association of Health Care Facilities; Lenee Weller and Karen O'Connell, Long Term Care OMBS Program; Margaret Vaughn, Rose Anna Hughes Presbyterian Home of Louisville; Charles Hulfman, Randolph McGee and Adrian Gammill, University of Kentucky; and Jane Greenebaum.

**LRC Staff:** Susan Harding, Joe Hood, Dan Risch, Carla Arnold, Paula Payne, Roy Haddix, Jim Peyton, Chris Lilly, Barbara Rhoads and Shirley Hart.

**Press:** Herb Sparrow, Associated Press; Al Cross, Courier-Journal.

Chairman Brinkley announced that a quorum was present and called the meeting to order. On motion of Representative Bruce, seconded by Senator McCuiston, the minutes of the October 25-26, 1983 meeting were approved.

The following regulation was recommended for deferral by the subcommittee until the December 20 meeting:

#### CABINET FOR HUMAN RESOURCES Department for Social Insurance

##### Medical Assistance

904 KAR 1:240. Solicitation of Medicaid contributions.

The subcommittee took no action on the following emergency regulation:

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Surface Mining and Reclamation Special Performance Standards 405 KAR 20:060E. Steep slopes.

The subcommittee recommended that the following regulations be approved for filing:

#### PUBLIC PROTECTION AND REGULATION CABINET Crime Victims Compensation Board Claims and Awards 107 KAR 1:010. Financial hardship standards.

#### FINANCE AND ADMINISTRATION CABINET Department of Administration

##### Purchasing

200 KAR 5:308. Small purchase procedures.

200 KAR 5:317. Cost principles.

##### Office for Social Security

200 KAR 13:010. Social security reports.

##### Division of Occupations and Professions

##### Board of Accountancy

201 KAR 1:100. Continuing professional education requirements for renewal of the permit to practice. (With technical amendment.)

##### Board of Medical Licensure

201 KAR 9:016. Restrictions on use of amphetamine and amphetamine-like anorectic controlled substances.

201 KAR 9:040. Fee schedule.

#### COMMERCE CABINET Department of Fish and Wildlife Resources

##### Fish

301 KAR 1:130. Live bait for personal use.

##### Game

301 KAR 2:080. Propagation of game; pet permits.

301 KAR 2:140. Spring gun and archery season for wild turkey.

##### Department of Economic Development

##### Economic Development

306 KAR 1:020. Application process. (With technical amendment.)

306 KAR 1:030. Eligibility requirements. (With technical amendment.)

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection Division of Waste Management

##### General Administrative Procedures

401 KAR 30:010. Definitions.

401 KAR 30:020. General provisions.

401 KAR 30:030. Environmental performance standards.

##### Identification and Listing of Hazardous Waste

401 KAR 31:010. General provisions for hazardous wastes.

401 KAR 31:020. Criteria for identifying the characteristics of hazardous waste and criteria for listing.

- 401 KAR 31:030. Characteristics of hazardous waste.
- 401 KAR 31:040. Lists of hazardous waste.
- 401 KAR 31:060. Rulemaking petitions for hazardous waste.
- 401 KAR 31:070. Delisted hazardous waste streams.
- 401 KAR 31:100. Appendix on representative sampling methods.
- 401 KAR 31:110. Appendix on EP toxicity test procedures.
- 401 KAR 31:120. Appendix on chemical analysis test methods.
- 401 KAR 31:160. Appendix on basis for listing hazardous waste.
- 401 KAR 31:170. Appendix on hazardous waste constituents.

#### **Standards Applicable to Transporters of Hazardous Waste**

- 401 KAR 33:010. General provisions for transporters.
- 401 KAR 33:020. Compliance with the manifest system and recordkeeping.

#### **Standards for Owners and Operators of Hazardous Waste Storage Treatment and Disposal Facilities**

- 401 KAR 34:020. General facility standards.
- 401 KAR 34:050. Manifest system, recordkeeping and reporting.
- 401 KAR 34:060. Groundwater protection.
- 401 KAR 34:070. Closure and post-closure.
- 401 KAR 34:080. General financial requirements.
- 401 KAR 34:090. Closure financial requirements.
- 401 KAR 34:100. Post-closure financial requirements.
- 401 KAR 34:110. Use of a mechanism for closure and post-closure.
- 401 KAR 34:120. Liability requirements.
- 401 KAR 34:130. Incapacity of owners or operators, guarantors, or financial institutions.
- 401 KAR 34:140. Wording of the instruments for trust funds.
- 401 KAR 34:144. Wording of the instrument for a surety bond guaranteeing payment into a trust fund.
- 401 KAR 34:148. Wording of the instrument for a surety bond guaranteeing performance.
- 401 KAR 34:152. Wording of the instrument for a letter of credit.
- 401 KAR 34:156. Wording of the instrument for a certificate of insurance.
- 401 KAR 34:159. Wording of the instrument for financial test on closure and post-closure care.
- 401 KAR 34:162. Wording of the instrument for financial test on liability coverage and closure or post-closure care.
- 401 KAR 34:165. Wording of the instrument for a corporate guarantee.
- 401 KAR 34:168. Wording of the instruments for a cash account or certificates of deposit.
- 401 KAR 34:172. Wording of the instrument for a liability endorsement.
- 401 KAR 34:176. Wording of the instrument for a certificate of liability insurance.
- 401 KAR 34:200. Surface impoundments.
- 401 KAR 34:210. Waste piles.
- 401 KAR 34:220. Land treatment.
- 401 KAR 34:230. Landfills.
- 401 KAR 34:240. Incinerators.
- 401 KAR 34:320. Appendix on statistical testing.

#### **Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities**

- 401 KAR 35:010. General provisions for facilities (IS).
  - 401 KAR 35:020. General facilities standards (IS).
  - 401 KAR 35:030. Preparedness and prevention (IS).
  - 401 KAR 35:040. Contingency plan and emergency procedures (IS).
  - 401 KAR 35:050. Manifest system, recordkeeping and reporting (IS).
  - 401 KAR 35:060. Groundwater monitoring (IS).
  - 401 KAR 35:070. Closure and post-closure (IS).
  - 401 KAR 35:080. General financial requirements (IS).
  - 401 KAR 35:090. Closure financial requirements (IS).
  - 401 KAR 35:100. Post-closure financial requirements (IS).
  - 401 KAR 35:110. Use of a mechanism for closure and post-closure (IS).
  - 401 KAR 35:120. Liability requirements (IS).
  - 401 KAR 35:130. Incapacity of owners or operators, guarantors, or financial institutions (IS).
  - 401 KAR 35:180. Use and management of containers (IS).
  - 401 KAR 35:190. Tanks (IS).
  - 401 KAR 35:200. Surface impoundments (IS).
  - 401 KAR 35:210. Waste piles (IS).
  - 401 KAR 35:220. Land treatment (IS).
  - 401 KAR 35:230. Landfill (IS).
  - 401 KAR 35:240. Incinerators (IS).
  - 401 KAR 35:250. Thermal treatment (IS).
  - 401 KAR 35:260. Chemical, physical and biological treatment (IS).
  - 401 KAR 35:270. Underground injection (IS). (With technical amendment.)
  - 401 KAR 35:290. Appendix on recordkeeping instructions (IS).
  - 401 KAR 35:310. Appendix on interim primary drinking water standards (IS).
  - 401 KAR 35:320. Appendix on tests for significance (IS).
  - 401 KAR 35:330. Appendix on examples of potentially incompatible waste (IS).
- #### **Hazardous Waste Permitting Process**
- 401 KAR 38:010. General provisions for permitting.
  - 401 KAR 38:020. Interim status provisions.
  - 401 KAR 38:030. Conditions applicable to all permits.
  - 401 KAR 38:040. Changes to permits; expiration of permits.
  - 401 KAR 38:050. Public information procedures.
  - 401 KAR 38:060. Special types of permits.
  - 401 KAR 38:070. Application procedures. (With technical amendment.)
  - 401 KAR 38:080. Contents of Part A application.
  - 401 KAR 38:090. General contents of Part B application.
  - 401 KAR 38:100. Specific Part B requirements for groundwater protection.
  - 401 KAR 38:150. Specific Part B requirements for containers.
  - 401 KAR 38:160. Specific Part B requirements for tanks.
  - 401 KAR 38:170. Specific Part B requirements for surface impoundments.
  - 401 KAR 38:180. Specific Part B requirements for waste piles.
  - 401 KAR 38:190. Specific Part B requirements for incinerators.

401 KAR 38:200. Specific Part B requirements for land treatment facilities.

401 KAR 38:210. Specific Part B requirements for landfills.

401 KAR 38:500. Provisions for approval by the local government or the Kentucky Regional Integrated Treatment and Disposal Facility Siting Board.

#### **Hazardous Waste Fees**

401 KAR 39:010. Generator registration fees.

401 KAR 39:020. Delisting and exemption fees.

401 KAR 39:030. Treatment facility fees.

401 KAR 39:040. Storage facility fees.

401 KAR 39:050. Disposal facility fees.

401 KAR 39:060. Short-term fees.

401 KAR 39:070. Modification fees.

#### **Enforcement and Compliance Monitoring for Hazardous Wastes**

401 KAR 40:010. General enforcement provisions.

401 KAR 40:020. Inspections.

401 KAR 40:030. Hearings.

401 KAR 40:040. Remedies.

401 KAR 40:050. Penalties.

#### **Solid Waste Facilities**

401 KAR 47:020. Solid waste permit process. (With technical amendment.)

401 KAR 47:040. Sanitary landfills.

401 KAR 47:070. Operator certification.

#### **Department for Surface Mining and Reclamation**

#### **Special Performance Standards**

405 KAR 20:060 and E. Steep slopes.

### **EDUCATION AND HUMANITIES CABINET**

#### **Department of Education**

##### **Bureau of Administration and Finance**

##### **General Administration**

702 KAR 1:005. Textbook program.

##### **School District Finance**

702 KAR 3:070. Teachers' salary scheduling.

##### **Bureau of Instruction**

##### **Teacher Certification**

704 KAR 20:005. Kentucky standards for preparation program approval.

704 KAR 20:156. Repeal of 704 KAR 20:155.

704 KAR 20:235. Learning and behavior disorders; teacher's provisional certificate.

704 KAR 20:280. Endorsement for teachers of gifted education.

##### **Bureau of Vocational Education**

##### **Fiscal Management**

705 KAR 2:030. Foundation program units.

### **PUBLIC PROTECTION AND REGULATION CABINET**

#### **Department of Labor**

##### **Occupational Safety and Health**

803 KAR 2:027. Adoption of 29 CFR Parts 1915, 1917, 1918 and 1919, maritime employment.

803 KAR 2:200. Confined space entry.

#### **State Racing Commission**

##### **Thoroughbred Racing Rules**

810 KAR 1:002. Racing Commission.

810 KAR 1:005. Racing officials.

810 KAR 1:007. Owners.

810 KAR 1:008. Trainers.

810 KAR 1:009. Jockeys and apprentices.

810 KAR 1:011. Pari-mutuel wagering.

810 KAR 1:012. Horses.

810 KAR 1:013. Entries, subscriptions and declarations.

810 KAR 1:014. Weights.

810 KAR 1:016. Running of the race.

810 KAR 1:019. Disciplinary measures.

810 KAR 1:020. Hearings, reviews and appeals.

### **CABINET FOR HUMAN RESOURCES**

#### **Long Term Care**

900 KAR 2:010. Access and hours of visitation.

#### **Department for Social Insurance**

##### **Medical Assistance**

904 KAR 1:036. Amounts payable for skilled nursing and intermediate care facility services. (Representatives Stumbo and Bruce objected.)

#### **Department for Social Services**

##### **Child Welfare**

905 KAR 1:140. Foster care, adoption assistance.

##### **Block Grants**

905 KAR 3:010. Limitations on use of grant funds.

The meeting was adjourned at 11:45 a.m. on November 30 until December 20-21, 1983.



# *Administrative Register <sup>of</sup> kentucky*

## Cumulative Supplement

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# Locator Index—Effective Dates

NOTE: Emergency regulations expire on being repealed or replaced.

## Volume 9

Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date	Regulation	9 Ky.R. Page No.	Effective Date
101 KAR 1:055			405 KAR 30:320			704 KAR 3:305		
Amended	225		Amended	34		Amended	1037	
Amended	556		Withdrawn		10-19-82	Amended	1208	8-3-83
200 KAR 14:040	1348	9-7-83	Amended	962	10-5-83	704 KAR 10:022		
401 KAR 5:100	1268		405 KAR 30:360	84		Amended	257	9-8-82
Withdrawn		8-12-83	Withdrawn		10-19-82	Amended	1038	
405 KAR 30:020			Resubmitted	1072	11-2-83	Amended	1209	8-3-83
Amended	21		405 KAR 30:370	85		807 KAR 5:006		
Withdrawn		10-19-82	Withdrawn		10-19-82	Amended	217	
Amended	945	11-2-83	Resubmitted	986	10-5-83	Amended	473	8-24-82
405 KAR 30:070			405 KAR 30:390			Amended	735	
Amended	948	10-5-83	Amended	35		Amended	1210	
405 KAR 30:121			Withdrawn		10-19-82	815 KAR 25:020		
Amended	949	10-5-83	Amended	964	10-5-83	Amended	1318	9-7-83
405 KAR 30:130			702 KAR 5:080	1309	8-3-83	900 KAR 2:010	299	12-1-82
Amended	23		Amended			Amended	975	
Withdrawn		10-19-82	703 KAR 2:010	1036		Reprint	1085	
Amended	951	10-5-83	Amended	1207	8-3-83	Amended	1302	8-3-83
405 KAR 30:190			704 KAR 3:304			902 KAR 20:115		
Repealed	986	9-7-83	Amended	256	9-8-82	Amended	976	8-3-83
405 KAR 30:200			Amended	1037		904 KAR 1:020		
Repealed	986	9-7-83	Amended	1208	8-3-83	Amended	1244	
405 KAR 30:201	986	9-7-83	Amended	1315	8-3-83	Withdrawn		7-11-83
405 KAR 30:280								
Amended	960	10-5-83						

## Volume 10

Emergency Regulation	10 Ky.R. Page No.	Effective Date	Emergency Regulation	10 Ky.R. Page No.	Effective Date	Regulation	10 Ky.R. Page No.	Effective Date
105 KAR 1:010E	391	9-1-83	904 KAR 1:015E	271	6-30-83	101 KAR 1:060		
Replaced	426	11-2-83	Replaced	316	9-7-83	Amended	406	11-2-83
200 KAR 14:040E	267	6-21-83	904 KAR 1:027E	272	6-30-83	101 KAR 1:070		
Replaced		9-7-83	Replaced	316	9-7-83	Amended	408	11-2-83
200 KAR 14:060E	870	11-21-83	904 KAR 1:036E	273	6-30-83	101 KAR 1:080		
301 KAR 2:044E	335	8-8-83	Replaced	317	12-2-83	Amended	409	12-2-83
Replaced	344	10-5-83	904 KAR 1:045E	277	6-30-83	101 KAR 1:090		
301 KAR 2:088E	394	9-15-83	904 KAR 1:055E	278	6-30-83	Amended	411	12-2-83
Replaced	504	11-2-83	Replaced	323	9-7-83	101 KAR 1:100		
400 KAR 1:030E	703	10-31-83	904 KAR 1:095E	279	6-30-83	Amended	412	11-2-83
400 KAR 1:040E	706	10-31-83	Replaced	324	9-7-83	101 KAR 1:110		
400 KAR 1:050E	711	10-31-83	904 KAR 1:200E	280	6-30-83	Amended	413	12-3-83
405 KAR 7:020E	711	10-31-83	Replaced	332	9-7-83	101 KAR 1:120		
405 KAR 7:030E	718	10-31-83	904 KAR 1:210E	280	6-30-83	Amended	414	
405 KAR 7:090E	719	10-31-83	Replaced	332	9-7-83	Amended	761	
405 KAR 8:030E	726	10-31-83	904 KAR 2:115E	400	8-22-83	101 KAR 1:130		
405 KAR 8:040E	735	10-31-83	Replaced	358	10-5-83	Amended	415	
405 KAR 16:060E	744	10-31-83	Resubmitted	875	11-21-83	Amended	762	
405 KAR 16:090E	746	10-31-83	904 KAR 2:125E	3	5-31-83	101 KAR 1:140		
405 KAR 16:140E	747	10-31-83	Replaced	264	8-3-83	Amended	417	12-2-83
405 KAR 16:190E	748	10-31-83				101 KAR 1:200		
405 KAR 18:090E	751	10-31-83				Amended	422	11-2-83
405 KAR 18:140E	753	10-31-83				101 KAR 1:220	500	11-2-83
405 KAR 18:190E	754	10-31-83				101 KAR 1:230	501	12-2-83
405 KAR 20:060E	516	9-19-83				103 KAR 17:010		
Replaced	635	12-2-83	11 KAR 3:020			Amended	43	8-3-83
803 KAR 2:020E	871	11-29-83	Amended	774		105 KAR 1:010		
804 KAR 9:040E	397	9-1-83	11 KAR 5:010	43	8-3-83	Amended	426	11-2-83
Replaced	510	11-2-83	11 KAR 5:080			107 KAR 1:010		
807 KAR 5:002E	268	6-27-83	Amended	774		Amended	621	12-2-83
Replaced	313	9-7-83	15 KAR 1:020			200 KAR 5:308		
807 KAR 5:008E.		2-8-83	Amended	340	10-5-83	Amended	621	12-2-83
Replaced	291	9-7-83	Amended	775		200 KAR 5:317		
900 KAR 1:020E	518	10-5-83	40 KAR 2:010	949		Amended	623	12-2-83
902 KAR 4:040E	1	6-7-83	101 KAR 1:020			200 KAR 13:010		
Replaced	402	9-7-83	Amended	404	11-2-83	Amended	623	12-2-83
902 KAR 20:006E	519	10-5-83	101 KAR 1:030			200 KAR 14:010		
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